SA 6586. Mr. HEINRICH (for Mr. BOOZMAN) proposed an amendment to the bill S. 3519, to amend the National Trails System Act to designate the Butterfield Overland National Historic Trail, and for other purposes.

SA 6587. Mr. HEINRICH (for Mr. MANCHIN) proposed an amendment to the bill S. 1942, to standardize the designation of National Heritage Areas, and for other purposes.

SA 6588. Mr. PADILLA (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table.

SA 6589. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, supra; which was ordered to lie on the table.

TEXT of AMENDMENTS

SA 6553. Mr. DAINES (for himself, Mr. RISCH, Mr. CRAPO, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division DD, insert the following:

SEC. 8___. CONSULTATION UNDER CERTAIN LAND AND RESOURCE MANAGEMENT PLANS AND LAND USE PLANS.

(a) NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANS.—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended by striking paragraph (2) and inserting the following:

''(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a completed land and resource management plan that has no on-the-ground effects when—

''(A) a new species is listed or a new critical habitat is designated under that Act (16 U.S.C. 1531 et seq.); or

''(B) new information reveals effects of the land and resource management plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.''.

(b) BUREAU OF LAND MANAGEMENT LAND USE PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

''(g) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND USE PLANS.—Notwithstanding any other provision of law, the Secretary shall not be required to reinitiate consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a completed land use plan that has no on-the-ground effects when—

''(1) a new species is listed or a new critical habitat is designated under that Act (16 U.S.C. 1531 et seq.); or

''(2) new information reveals effects of the land use plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.''.

SA 6554. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 1921, between lines 5 and 6, insert the following:

SEC. 305. STANDARD OF PROOF FOR CREDIBLE FEAR OF PERSECUTION IN ASYLUM CASES.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended read as follows

''(v) CREDIBLE FEAR OF PERSECUTION DEFINED.—For purposes of this subparagraph, the term 'credible fear of persecution' means that it is more probable than not, taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.''.

SA 6555. Mr. JOHNSON (for himself, Mr. BRAUN, Mr. DAINES, Ms. LUMMIS, Mr. SCOTT of Florida, Mr. TOOMEY, Ms. ERNST, Mr. LANKFORD, Mr. RISCH, Mr. GRASSLEY, Mr. HAWLEY, Mr. BARRASSO, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, after line 2, add the following:

SEC. 7. ELIMINATION OF EARMARKS.

(a) IN GENERAL.—Notwithstanding any other provision of any division of this Act—

(1) no amounts shall be made available for a purpose specified in any table relating to congressionally directed spending in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or for any congressionally directed spending in any division of this Act, and each such item of congressionally directed spending is null and void;

(2) each appropriation under any division of this Act shall be reduced by the amount of any allocation of such appropriation for congressionally directed spending items that is made null and void by paragraph (1); and

(3) each allocation of an appropriation under any division of this Act shall be reduced by the amount of any further allocation of such allocation of an appropriation for congressionally directed spending items that is made null and void by paragraph (1).

(b) REPORT.—The Director of the Office of Management and Budget shall submit to Congress a report indicating the final amount appropriated for each appropriation account for which amounts are made available under any division of this Act and the amount of each allocation of such an appropriation, as reduced in accordance with subsection (a).

SA 6556. Mr. SCHATZ proposed an amendment to the bill S. 5087, to amend the Not Invisible Act of 2019 to extend, and provide additional support for, the activities of the Department of the Interior and the Department of Justice Joint Commission on Reducing Violent Crime Against Indians, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF, AND ADDITIONAL SUPPORT FOR THE ACTIVITIES OF, THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF JUSTICE JOINT COMMISSION ON REDUCING VIOLENT CRIME AGAINST INDIANS.

(a) EXTENSION OF COMMISSION AND ACTIVITIES OF THE COMMISSION.—Section 4 of the Not Invisible Act of 2019 (Public Law 116–166; 134 Stat. 767) is amended—

(1) in subsection (c)(2)(B), by striking ''18 months after the enactment'' and inserting ''36 months after the date of enactment''; and

(2) in subsection (e), by striking ''2 years'' and inserting ''42 months''.

(b) ADDITIONAL SUPPORT FOR ACTIVITIES OF COMMISSION.—Section 4(b) of the Not Invisible Act of 2019 (Public Law 116–166; 134 Stat. 767) is amended—

(1) in the subsection heading, by inserting ''; OPERATION'' after ''MEMBERSHIP''; and

(2) by adding at the end the following:

''(7) GIFTS.—The Commission may accept and use gifts or donations of services or property from Indian tribes or Tribal entities, academic institutions, or other not-for-profit organizations as it considers necessary to carry out the duties of the Commission described in subsection (c).''.

SA 6557. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS ON DEPARTMENT OF DEFENSE PAYING FOR OR FACILITATING TRAVEL TO OBTAIN AN ABORTION.

(a) PROHIBITION ON FUNDING EXPENSES RELATED TO ABORTIONS.—Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PROHIBITION ON FUNDING EXPENSES RELATED TO ABORTIONS.—Funds available to the Department of Defense may not be used to provide a per diem allowance or to pay expenses, such as travel expenses, that are incidental to obtaining an abortion.''.

(b) PROHIBITION ON PROVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO OBTAIN ABORTIONS.—Section 452 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(j) PROHIBITION ON ALLOWANCES FOR TRAVEL TO OBTAIN ABORTIONS.—The administering Secretary may not provide travel or transportation allowances under this section to a member of the uniformed services for travel to obtain an abortion.''.

(c) REQUIREMENT THAT LEAVE TO OBTAIN AN ABORTION BE CHARGEABLE.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(n) LEAVE TO OBTAIN ABORTIONS.—A member of the armed forces who takes leave to obtain an abortion shall have the leave account of the member reduced to account for such leave.''.

SA 6558. Mr. CASSIDY (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—PREGNANT WORKERS

SEC. ___1. SHORT TITLE.

This division may be cited as the ''Pregnant Workers Fairness Act''.

SEC. ___2. DEFINITIONS.

As used in this division—

(1) the term ''Commission'' means the Equal Employment Opportunity Commission;

(2) the term ''covered entity''—

(A) has the meaning given the term ''respondent'' in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term ''employee'' means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), and an individual described in section 201(d) of that Act (2 U.S.C. 1311(d));

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''known limitation'' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(5) the term ''person'' has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(6) the term ''qualified employee'' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms ''reasonable accommodation'' and ''undue hardship'' have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this division, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

SEC. ___3. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section ____2(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

SEC. ___4. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section ____2(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) for the purposes of addressing allegations of violations of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this division provides to address an allegation of an unlawful employment practice in violation of this division against an employee described in section ____2(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) for the purposes of addressing allegations of such a violation shall be the powers, remedies, and procedures this division provides to address allegations of such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, for purposes of addressing allegations of such a violation, shall be the powers, remedies, and procedures this division provides to address any allegation of such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section ____2(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this division provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in section ____2(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this division against an employee described in ___section 2(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this division provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this division or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this division.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this division.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this division or regulations implementing this division, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

SEC. ___5. RULEMAKING.

(a) EEOC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this division. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

(b) OCWR RULEMAKING.—

(1) IN GENERAL.—Not later than 6 months after the Commission issues regulations under subsection (a), the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)), issue regulations to implement the provisions of this division made applicable to employees described in section ___2(3)(B), under section ___4(b).

(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Commission under subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulations issued under paragraph (1) that a modification of such substantive regulations would be more effective for the implementation of the rights and protection under this division.

SEC. ___6. WAIVER OF STATE IMMUNITY.

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this division. In any action against a State for a violation of this division, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. ___7. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this division shall be construed—

(1) to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions; or

(2) by regulation or otherwise, to require an employer-sponsored health plan to pay for or cover any particular item, procedure, or treatment or to affect any right or remedy available under any other Federal, State, or local law with respect to any such payment or coverage requirement.

(b) RULE OF CONSTRUCTION.—This division is subject to the applicability to religious employment set forth in section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a)).

SEC. ___8. SEVERABILITY.

If any provision of this division or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this division and the application of that provision to other persons or circumstances shall not be affected.

SEC. ___9. EFFECTIVE DATE.

This division shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 6559. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 757, between lines 15 and 16, insert the following:

SEC. 550. (a) Except as provided in subsection (b), none of the funds made available under this division may be used by the Department of Homeland Security—

(1) to transport aliens who are unlawfully present in the United States; or

(2) to award grants or contracts to third parties to provide transportation within the United States to aliens described in paragraph (1).

(b) Funds made available under this division may be used by the Department of Homeland Security—

(1) to return any alien who is unlawfully present in the United States to—

(A) such alien's country of origin;

(B) Mexico; or

(C) the first safe country through which such alien traveled en route to the United States; or

(2) to transport any such alien—

(A) to a Federal detention facility; or

(B) to a Federal courthouse or other Federal facility for an immigration proceeding.

SA 6560. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMPROVEMENTS TO THE JUSTICE FOR UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the ''Fairness for 9/11 Families Act''.

(b) IN GENERAL.—Section 404 of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), in the first sentence, by inserting ''and during the 1-year period beginning on the date of enactment of the Fairness for 9/11 Families Act, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel'' before the period at the end; and

(B) in paragraph (2)(A), by inserting ''Not later than 30 days after the date of enactment of the Fairness for 9/11 Families Act, the Special Master shall update, as necessary as a result of the enactment of such Act, such procedures and other guidance previously issued by the Special Master.'' after the period at the end of the second sentence;

(2) in subsection (c)(3)(A), by striking clause (ii) and inserting the following:

''(ii) Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication, unless—

''(I) the final judgment was awarded to a 9/11 victim, 9/11 spouse, or 9/11 dependent before the date of enactment of the United States Victims of State Sponsored Terrorism Fund Clarification Act, in which case such United States person shall have 90 days from the date of enactment of such Act to submit an application for payment; or

''(II) the final judgment was awarded to a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim before the date of enactment of the Fairness for 9/11 Families Act, in which case such United States person shall have 180 days from the date of enactment of such Act to submit an application for payment.'';

(3) in subsection (d)—

(A) in paragraph (3)(B), by adding at the end the following:

''(iii) For the purposes of clause (i), the calculation of the total compensatory damages received or entitled or scheduled to be received by an applicant who is a 1983 Beirut barracks bombing victim or a 1996 Khobar Towers bombing victim from any source other than the Fund shall include the total amount received by the applicant as a result of or in connection with the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008), such that any such applicant who has received or is entitled or scheduled to receive 30 percent or more of such applicant's compensatory damages judgment as a result of or in connection with such proceedings shall not receive any payment from the Fund, except in accordance with the requirements of clause (i), or as part of a lump-sum catch-up payment in accordance with paragraph (4)(D).''; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ''(B) and (C)'' and inserting ''(B), (C), and (D)'';

(ii) in subparagraph (C), by adding at the end the following:

''(iv) AUTHORIZATION.—

''(I) IN GENERAL.—The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

''(II) APPROPRIATIONS.—

''(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

''(bb) LIMITATION.—Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.''; and

(iii) by adding at the end the following:

''(D) LUMP SUM CATCH-UP PAYMENTS FOR 1983 BEIRUT BARRACKS BOMBING VICTIMS AND 1996 KHOBAR TOWERS BOMBING VICTIMS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Fairness for 9/11 Families Act, and in accordance with clauses (i) and (ii) of paragraph (3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to the 1983 Beirut barracks bombing victims and the 1996 Khobar Towers bombing victims who have submitted applications in accordance with subsection (c)(3)(A)(ii)(II) on or after such date of enactment, in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of such victims received from the Fund being equal to the percentage of the claims of non-9/11 victims of state sponsored terrorism received from the Fund, as of such date of enactment.

''(ii) PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment for a 30-day period beginning on the date on which the notice is published under clause (i).

''(iii) REPORT.—Not later than 30 days after the expiration of the comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the determination of the Comptroller General on—

''(I) the amount of the proposed lump sum catch-up payment for each 1983 Beirut barracks bombing victim;

''(II) the amount of the proposed lump sum catch-up payment for each 1996 Khobar Towers bombing victim; and

''(III) amount of lump sum catch-up payments described in subclauses (I) and (II).

''(iv) LUMP SUM CATCH-UP PAYMENT RESERVE FUND.—

''(I) IN GENERAL.—There is established within the Fund a lump sum catch-up payment reserve fund, to remain in reserve except in accordance with this subsection.

''(II) AUTHORIZATION.—Not earlier than 90 days after the date on which the Comptroller General submits the report required under clause (iii), and not later than 1 year after such date, the Special Master shall authorize lump sum catch-up payments from the reserve fund established under subclause (I) in amounts equal to the amounts described in subclauses (I) and (II) of clause (iii).

''(III) APPROPRIATIONS.—

''(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the lump sum catch-up payment reserve fund $3,000,000,000 to carry out this clause, to remain available until expended.

''(bb) LIMITATION.—Except as provided in subclause (IV), amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.

''(IV) EXPIRATION.—

''(aa) IN GENERAL.—The lump sum catch-up payment reserve fund established by this clause shall be terminated not later than 1 year after the Special Master disperses all lump sum catch-up payments pursuant to subclause (II).

''(bb) REMAINING AMOUNTS.—All amounts remaining in the lump sum catch-up payment reserve fund in excess of the amounts described in subclauses (I) and (II) of clause (iii) shall be deposited into the Fund under this section.'';

(4) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) DEPOSIT AND TRANSFER.—Beginning on the date of the enactment of this Act, the following shall be deposited or transferred into the Fund for distribution under this section:

''(A) CRIMINAL FUNDS AND PROPERTY.—All funds, and the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a criminal penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related criminal conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

''(B) CIVIL FUNDS AND PROPERTY.—Seventy-five percent of all funds, and seventy-five percent of the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a civil penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.'';

(5) in subsection (g)(1), by striking ''(e)(2)(A)'' and inserting ''(e)(2)''; and

(6) in subsection (j), by adding at the end the following:

''(15) 1983 BEIRUT BARRACKS BOMBING VICTIM.—The term '1983 Beirut barracks bombing victim'—

''(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the October 23, 1983, bombing of the United States Marine Corps barracks in Beirut, Lebanon; and

''(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).

''(16) 1996 KHOBAR TOWERS BOMBING VICTIM.—The term '1996 Khobar Towers bombing victim'—

''(A) means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (c) that arises out of the June 25, 1996 bombing of the Khobar Tower housing complex in Saudi Arabia; and

''(B) includes a plaintiff, estate, or successor in interest described in subparagraph (A) who is a judgment creditor in the proceedings captioned Peterson v. Islamic Republic of Iran, No. 10 Vic. 4518 (S.D.N.Y.), or a Settling Judgment Creditor as identified in the order dated May 27, 2014, in the proceedings captioned In Re 650 Fifth Avenue & Related Properties, No. 08 Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).''.

(c) GAO REPORT ON FUNDING FOR THE UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating ways to increase deposits into the United States Victims of State Sponsored Terrorism Fund established under paragraph (1) of section 404(e) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(e)) (in this subsection referred to as the ''Fund''), including assessing the advisability and effect of—

(1) expanding the scope of the criminal offenses for which funds, and the net proceeds from the sale of property, forfeited or paid to the United States are deposited in the Fund under paragraph (2)(A) of such section, as amended by this section;

(2) expanding the scope of the civil penalties or fines for which funds, and the net proceeds from the sale of property, forfeited or paid to the United States are deposited in the Fund under paragraph (2)(B) of such section, as amended by this section, to include civil penalties or fines imposed, including as part of a settlement agreement, on an entity for providing material support to an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(3) increasing to 100 percent the percentage of funds, and the net proceeds from the sale of property, forfeited or paid to the United States as a civil penalty or fine that are deposited in the Fund under paragraph (2)(A)(ii) of such section, as amended by this section.

(d) RESCISSIONS.—

(1) BUSINESS LOANS PROGRAM ACCOUNT.—Of the unobligated balances of amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'', for carrying out

paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,954,772,000 are hereby rescinded.

(2) SHUTTERED VENUE OPERATORS GRANT.—Of the unobligated balances of amounts made available under the heading ''Small Business Administration—Shuttered Venue Operators'', for carrying out section 324 of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9009a), $459,000,000 are hereby rescinded.

(3) AVIATION MANUFACTURING PAYROLL SUPPORT PROGRAM.—Of the unobligated balances of amounts made available under section 7202 of the American Rescue Plan Act of 2021 (15 U.S.C. 9132), $568,228,000 are hereby rescinded.

SA 6561. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VOTING THRESHOLD FOR BUDGET POINTS OF ORDER.

(a) DEFINITION.—In this section, the term ''covered point of order'' means a point of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), or a concurrent resolution on the budget.

(b) VOTING THRESHOLD.—In the Senate—

(1) a covered point of order may be waived only by the affirmative vote of two-thirds of the Members, duly chosen and sworn; and

(2) an affirmative vote of two-thirds of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a covered point of order.

SA 6562. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, after line 25, add the following:

SEC. 8145. The Secretary of Defense shall, notwithstanding any provision of the Department of Defense Financial Management Regulation, direct the Secretary of the Navy to continue to provide pay and benefits to Lieutenant Ridge Alkonis until such time as the Secretary of the Navy makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

SA 6563. Mr. LEE (for himself, Mr. SCOTT of Florida, Mr. BRAUN, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 757, between lines 15 and 16, insert the following:

SEC. 550. None of the funds provided by this Act may be obligated or expended to terminate the prohibitions on entry into the United States issued pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265 and 268) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020 (popularly known as ''Title 42'').

SA 6564. Mr. LEE (for himself, Mr. SCOTT of Florida, Mr. BRAUN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available for the Office of the Executive Secretary of the Department of Homeland Security under this Act may be obligated or expended until the prohibitions on entry into the United States set forth in the order of suspension issued pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265 and 268) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020 (popularly known as ''Title 42''), are reinstated.

SA 6565. Mr. LEE (for himself, Mr. SCOTT of Florida, Mr. BRAUN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available for the Office of the Secretary of Homeland Security under this Act may be obligated or expended until the prohibitions on entry into the United States set forth in the order of suspension issued pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265 and 268) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020 (popularly known as ''Title 42''), are reinstated.

SA 6566. Ms. LUMMIS submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Sustainable Budget Act of 2022''.

(b) ESTABLISHMENT OF COMMISSION.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the National Commission on Fiscal Responsibility and Reform established under paragraph (2).

(B) FEDERAL AGENCY.—The term ''Federal agency'' means an establishment in the executive, legislative, or judicial branch of the Federal Government.

(2) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, there shall be established within the legislative branch a commission to be known as the National Commission on Fiscal Responsibility and Reform.

(3) MEMBERSHIP.—

(A) COMPOSITION OF COMMISSION.—The Commission shall be composed of 18 members, of whom—

(i) 6 shall be appointed by the President, of whom not more than 3 shall be from the same political party;

(ii) 3 shall be appointed by the majority leader of the Senate, from among current Members of the Senate;

(iii) 3 shall be appointed by the Speaker of the House of Representatives, from among current Members of the House of Representatives;

(iv) 3 shall be appointed by the minority leader of the Senate, from among current Members of the Senate; and

(v) 3 shall be appointed by the minority leader of the House of Representatives, from among current Members of the House of Representatives.

(B) INITIAL APPOINTMENTS.—Not later than 60 days after the date on which the Commission is established, initial appointments to the Commission shall be made.

(C) VACANCY.—A vacancy on the Commission shall be filled in the same manner as the initial appointment.

(4) CO-CHAIRPERSONS.—From among the members appointed under paragraph (3), the President shall designate 2 members, who shall not be of the same political party, to serve as co-chairpersons of the Commission.

(5) QUALIFICATIONS.—Members appointed to the Commission shall have significant depth of experience and responsibilities in matters relating to—

(A) government service;

(B) fiscal policy;

(C) economics;

(D) Federal agency management or private sector management;

(E) public administration; and

(F) law.

(6) DUTIES.—

(A) IN GENERAL.—The Commission shall identify policies to—

(i) improve the fiscal situation of the Federal Government in the medium term; and

(ii) achieve fiscal sustainability of the Federal Government in the long term.

(B) REQUIREMENTS.—In carrying out subparagraph (A), the Commission shall—

(i) propose recommendations designed to balance the budget of the Federal Government, excluding interest payments on the public debt, by the date that is 10 years after the date on which the Commission is established, in order to stabilize the ratio of the public debt to the gross domestic product of the United States at an acceptable level; and

(ii) propose recommendations that meaningfully improve the long-term fiscal outlook of the Federal Government, including changes to address the growth of entitlement spending and the gap between the projected revenues and expenditures of the Federal Government.

(7) REPORTS AND PROPOSED JOINT RESOLUTION.—

(A) IN GENERAL.—

(i) FINAL REPORT.—Not later than 1 year after the date on which all members of the Commission are appointed under paragraph

(3), the Commission shall vote on the approval of a final report, which shall contain—

(I) the recommendations required under paragraph (6)(B); and

(II) a proposed joint resolution implementing the recommendations described in subclause (I).

(ii) INTERIM REPORTS.—At any time after the date on which all members of the Commission are appointed and prior to voting on the approval of a final report under clause (i), the Commission may vote on the approval of an interim report containing such recommendations described in subsection paragraph (6)(B) as the Commission may provide.

(B) APPROVAL OF REPORT.—The Commission may only issue a report under this paragraph if—

(i) not less than 12 members of the Commission approve the report; and

(ii) of the members approving the report under clause (i), not less than 4 are members of the same political party to which the Speaker of the House of Representatives belongs and not less than 4 are members of the same political party to which the minority leader of the House of Representatives belongs.

(C) SUBMISSION OF REPORT.—With respect to each report approved under this paragraph, the Commission shall—

(i) submit to Congress the report; and

(ii) make the report available to the public.

(D) PREPARATION OF JOINT RESOLUTION.—

(i) IN GENERAL.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the Commission—

(I) may use the services of the offices of the Legislative Counsel of the Senate and House of Representatives; and

(II) shall consult with the Comptroller General of the United States and the Director of the Congressional Budget Office.

(ii) CONSULTATION WITH COMMITTEES.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the co-chairpersons of the Commission, with respect to the contents of the proposed joint resolution, shall consult with—

(I) the chairperson and ranking member of each relevant committee of the Senate and the House of Representatives;

(II) the majority and minority leader of the Senate; and

(III) the Speaker and minority leader of the House of Representatives.

(iii) REQUIREMENTS FOR CONSULTATION.—The consultation required under clause (ii) shall provide the opportunity for each individual described in clause (ii) to provide—

(I) recommendations for alternative means of addressing the recommendations described in subparagraph (A)(i)(I); and

(II) recommendations regarding which recommendations described in subparagraph (A)(i)(I) should not be addressed in the proposed joint resolution.

(iv) RELEVANT COMMITTEES.—For the purpose of this subparagraph, the relevant committees of the Senate and the House of Representatives shall be—

(I) the Committee on Finance of the Senate;

(II) the Committee on Ways and Means of the House of Representatives;

(III) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(IV) the Committee on Energy and Commerce of the House of Representatives.

(8) POWERS OF THE COMMISSION.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission described in paragraph (6).

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out the duties of the Commission described in paragraph (6).

(ii) PROVISION OF INFORMATION.—Upon request from the co-chairpersons of the Commission, the head of a Federal agency shall provide information described in clause (i) to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(D) WEBSITE.—

(i) CONTENTS.—The Commission shall establish a website containing—

(I) the recommendations required under paragraph (6)(B); and

(II) the records of attendance of the members of the Commission for each meeting of the Commission.

(ii) DATE OF PUBLICATION.—Not later than 72 hours after the conclusion of a meeting of the Commission, the Commission shall publish a recommendation or record of attendance described under clause (i) that is made or taken at the meeting on the website established under such subparagraph.

(9) ASSISTANCE OF OTHER LEGISLATIVE BRANCH ENTITIES.—As the Commission conducts the work of the Commission—

(A) the Comptroller General shall provide technical assistance to the Commission on findings and recommendations of the Government Accountability Office;

(B) the Director of the Congressional Budget Office shall provide technical assistance to the Commission on findings and recommendations of the Congressional Budget Office; and

(C) the chair of the Joint Committee on Taxation shall provide technical assistance to the Commission on findings and recommendations of the Joint Committee on Taxation.

(10) PERSONNEL MATTERS.—

(A) IN GENERAL.—Members of the Commission shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the members in the performance of services for the Commission.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The co-chairpersons of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(II) APPROVAL.—The appointment of an executive director under subclause (I) shall be subject to confirmation by the Commission.

(ii) COMPENSATION.—

(I) IN GENERAL.—The co-chairpersons of the Commission may fix the compensation of the executive director and other personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.

(II) PAY RATE.—The rate of pay for the executive director and other personnel of the Commission may not exceed the rate payable for level V of the Executive Schedule under section 5613 of title 5, United States Code.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Commission—

(i) without reimbursement; and

(ii) without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(11) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the final report of the Commission under subsection (7)(A)(i).

(12) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) impair or otherwise affect—

(i) authority granted by law to a Federal agency or a head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(B) create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, the departments, agencies, entities, officers, employees, or agents of the United States, or any other person.

(13) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(B) AVAILABILITY.—Any sums appropriated under subparagraph (A) shall remain available, without fiscal year limitation, until expended.

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

(c) SPECIAL MESSAGE OF THE PRESIDENT.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION REPORT.—The term ''Commission report'' means the final report of the National Commission on Fiscal Responsibility and Reform described in subsection (b)(7)(A)(i).

(B) SPECIAL MESSAGE.—The term ''special message'' means the special message on the Commission report required under paragraph (2)(A).

(2) SUBMISSION OF SPECIAL MESSAGE.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Commission submits the Commission report to Congress, the President shall submit to Congress a special message on the report.

(B) TRANSMITTAL.—The President shall submit the special message—

(i) to the Secretary of the Senate if the Senate is not in session; and

(ii) to the Clerk of the House of Representatives if the House of Representatives is not in session.

(3) CONTENTS OF SPECIAL MESSAGE.—The special message shall describe the reasons for the support or opposition of the President to the proposed joint resolution contained in the Commission report.

(4) PUBLIC AVAILABILITY.—The President shall—

(A) make a copy of a special message publicly available, including on a website of the President; and

(B) publish in the Federal Register a notice of a special message and information on how the special message can be obtained.

(d) EXPEDITED CONSIDERATION OF PROPOSED JOINT RESOLUTION.—

(1) DEFINITION OF COMMISSION JOINT RESOLUTION.—In this subsection, the term ''Commission joint resolution'' means a joint resolution that consists solely of the text of the proposed joint resolution required to be included in the final report of the Commission under subsection (b)(7)(A)(i)(II).

(2) QUALIFYING LEGISLATION.—Only a Commission joint resolution shall be entitled to expedited consideration under this subsection.

(3) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) INTRODUCTION.—A Commission joint resolution may be introduced in the House of Representatives (by request)—

(i) by the majority leader of the House of Representatives, or by a Member of the House of Representatives designated by the majority leader of the House of Representatives, on the next legislative day after the date on which the Commission approves the final report of the Commission under subsection b(7)(A)(i); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the House of Representatives on any legislative day beginning on the legislative day after the legislative day described in clause (i).

(B) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a Commission joint resolution is referred shall report the Commission joint resolution to the House of Representatives without amendment not later than 10 legislative days after the date on which the Commission joint resolution was so referred. If a committee of the House of Representatives fails to report a Commission joint resolution within that period, it shall be in order to move that the House of Representatives discharge the committee from further consideration of the Commission joint resolution. Such a motion shall not be in order after the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or after the House of Representatives has disposed of a motion to discharge the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion, except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House of Representatives shall proceed immediately to consider the Commission joint resolution in accordance with subparagraphs (C) and (D). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a Commission joint resolution reports it to the House of Representatives or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the Commission joint resolution in the House of Representatives. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed with respect to the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) CONSIDERATION.—The Commission joint resolution shall be considered as read. All points of order against the Commission joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the Commission joint resolution to its passage without intervening motion, except 2 hours of debate equally divided and controlled by the proponent and an opponent and 1 motion to limit debate on the Commission joint resolution. A motion to reconsider the vote on passage of the Commission joint resolution shall not be in order.

(E) VOTE ON PASSAGE.—The vote on passage of the Commission joint resolution shall occur not later than 3 legislative days after the date on which the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or is discharged.

(4) EXPEDITED PROCEDURE IN THE SENATE.—

(A) INTRODUCTION IN THE SENATE.—A Commission joint resolution may be introduced in the Senate (by request)—

(i) by the majority leader of the Senate, or by a Member of the Senate designated by the majority leader of the Senate, on the next legislative day after the date on which the President submits the proposed joint resolution under subsection (c)(2); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the Senate on any day on which the Senate is in session beginning on the day after the day described in clause (i).

(B) COMMITTEE CONSIDERATION.—A Commission joint resolution introduced in the Senate under subparagraph (A) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the Commission joint resolution without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 10 session days after the date on which the Commission joint resolution was so referred. If any committee to which a Commission joint resolution is referred fails to report the Commission joint resolution within that period, that committee shall be automatically discharged from consideration of the Commission joint resolution, and the Commission joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Commission joint resolution is reported or discharged from all committees to which the Commission joint resolution was referred, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the Commission joint resolution. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Commission joint resolution at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Commission joint resolution are waived. The motion to proceed shall not be debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Commission joint resolution is agreed to, the Commission joint resolution shall remain the unfinished business until disposed of. All points of order against a Commission joint resolution and against consideration of the Commission joint resolution are waived.

(D) NO AMENDMENTS.—An amendment to a Commission joint resolution, a motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the Commission joint resolution, is not in order.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Commission joint resolution shall be decided without debate.

(5) AMENDMENT.—A Commission joint resolution shall not be subject to amendment in either the Senate or the House of Representatives.

(6) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing a Commission joint resolution, a House receives from the other House a Commission joint resolution of the other House—

(i) the Commission joint resolution of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no Commission joint resolution had been received from the other House until the vote on passage, when the Commission joint resolution received from the other House shall supplant the Commission joint resolution of the receiving House.

(B) REVENUE MEASURES.—This paragraph shall not apply to the House of Representatives if a Commission joint resolution received from the Senate is a revenue measure.

(7) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) TREATMENT OF COMMISSION JOINT RESOLUTION OF OTHER HOUSE.—If a Commission joint resolution is not introduced in the Senate or the Senate fails to consider a Commission joint resolution under this section, the Commission joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If, following passage of a Commission joint resolution in the Senate, the Senate receives from the House of Representatives a Commission joint resolution, the House-passed Commission joint resolution shall not be debatable. The vote on passage of the Commission joint resolution in the Senate shall be considered to be the vote on passage of the Commission joint resolution received from the House of Representatives.

(C) VETOES.—If the President vetoes a Commission joint resolution, consideration of a veto message in the Senate under this subparagraph shall be 10 hours equally divided between the majority and minority leaders of the Senate or the designees of the majority and minority leaders of the Senate.

(8) EXERCISE OF RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and, as such—

(i) it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission joint resolution; and

(ii) it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 6567. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—AMERICAN INNOVATION AND CHOICE ONLINE

SEC. 101. SHORT TITLE.

This division may be cited as the ''American Innovation and Choice Online Act''.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) ANTITRUST LAWS; PERSON.—The terms ''antitrust laws'' and ''person'' have the meanings given the terms in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12).

(2) BUSINESS USER.—The term ''business user''—

(A) means a person that uses or is likely to use a covered platform for the advertising, sale, or provision of products or services, including such persons that are operating a covered platform or are controlled by a covered platform operator; and

(B) does not include a person that—

(i) is a clear national security risk; or

(ii) is controlled by the Government of the People's Republic of China or the government of a foreign adversary.

(3) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(4) CONTROL.—The term ''control'' means, with respect to a person—

(A) holding 25 percent or more of the stock of the person;

(B) having the right to 25 percent or more of the profits of the person;

(C) in the event of the dissolution of the person, having the right to 25 percent or more of the assets of the person;

(D) if the person is a corporation, having the power to designate 25 percent or more of the directors of the person;

(E) if the person is a trust, having the power to designate 25 percent or more of the trustees; or

(F) otherwise exercising substantial control over the person.

(5) COVERED PLATFORM.—The term ''covered platform'' means an online platform that—

(A) has been designated as a covered platform under section 103(d);

(B) is owned or controlled by a person that—

(i) at any point during the 12 months preceding a designation under section 103(d) or the 12 months preceding the filing of a complaint for an alleged violation of this division has at least—

(I) 50,000,000 United States-based monthly active users on the online platform; or

(II) 100,000 United States-based monthly active business users on the online platform;

(ii) during—

(I) the 2 years preceding a designation under section 103(d), or the 2 years preceding the filing of a complaint for an alleged violation of this division—

(aa) at any point, is owned or controlled by a person with United States net annual sales of greater than $550,000,000,000, adjusted for inflation on the basis of the Consumer Price Index; or

(bb) during any 180-day period during the 2-year period, has an average market capitalization greater than $550,000,000,000, adjusted for inflation on the basis of the Consumer Price Index; or

(II) the 12 months preceding a designation under section 103(d), or at any point during the 12 months preceding the filing of a complaint for an alleged violation of this division, has at least 1,000,000,000 worldwide monthly active users on the online platform; and

(iii) is a critical trading partner for the sale or provision of any product or service offered on or directly related to the online platform.

(6) CRITICAL TRADING PARTNER.—The term ''critical trading partner'' means a person that has the ability to restrict or materially impede the access of—

(A) a business user to the users or customers of the business user; or

(B) a business user to a tool or service that the business user needs to effectively serve the users or customers of the business user.

(7) DATA.—The term ''data'' includes information that is collected by or provided to a covered platform or business user that is linked, or reasonably linkable, to a specific—

(A) user or customer of the covered platform; or

(B) user or customer of a business user.

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

(9) ONLINE PLATFORM.—The term ''online platform''—

(A) means a website, online or mobile application, operating system, digital assistant, or online service that enables—

(i) a user to generate or share content that can be viewed by other users on the platform or to interact with other content on the platform;

(ii) the offering, advertising, sale, purchase, or shipping of products or services, including software applications, between and among consumers or businesses not controlled by the platform operator; or

(iii) user searches or queries that access or display a volume of information; and

(B) does not include a service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.

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

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this division, the Commission, with the concurrence of the Department of Justice, shall promulgate regulations in accordance with section 553 of title 5, United States Code, to define the term data for the purpose of implementing and enforcing this division.

SEC. 103. UNLAWFUL CONDUCT.

(a) IN GENERAL.—It shall be unlawful for a person operating a covered platform in or affecting commerce to—

(1) preference the products, services, or lines of business of the covered platform operator over those of another business user on the covered platform in a manner that would materially harm competition;

(2) limit the ability of the products, services, or lines of business of another business user to compete on the covered platform relative to the products, services, or lines of business of the covered platform operator in a manner that would materially harm competition;

(3) discriminate in the application or enforcement of the terms of service of the covered platform among similarly situated business users in a manner that would materially harm competition;

(4) materially restrict, impede, or unreasonably delay the capacity of a business user to access or interoperate with the same platform, operating system, or hardware or software features that are available to the products, services, or lines of business of the covered platform operator that compete or would compete with products or services offered by business users on the covered platform, except where such access would lead to a significant cybersecurity risk;

(5) condition access to the covered platform or preferred status or placement on the covered platform on the purchase or use of other products or services offered by the covered platform operator that are not part of or intrinsic to the covered platform;

(6) use nonpublic data that are obtained from or generated on the covered platform by the activities of a business user or by the interaction of a covered platform user with the products or services of a business user to offer, or support the offering of, the products or services of the covered platform operator that compete or would compete with products or services offered by business users on the covered platform;

(7) materially restrict or impede a business user from accessing data generated on the covered platform by the activities of the business user, or through an interaction of a covered platform user with the products or services of the business user, such as by establishing contractual or technical restrictions that prevent the portability by the business user to other systems or applications of the data of the business user;

(8) materially restrict or impede covered platform users from uninstalling software applications that have been preinstalled on the covered platform or changing default settings that direct or steer covered platform users to products or services offered by the covered platform operator, unless necessary—

(A) for the security or functioning of the covered platform; or

(B) to prevent data from the covered platform operator or another business user from being transferred to the Government of the People's Republic of China or the government of a foreign adversary;

(9) in connection with any covered platform user interface, including search or ranking functionality offered by the covered platform, treat the products, services, or lines of business of the covered platform operator more favorably relative to those of another business user and in a manner that is inconsistent with the neutral, fair, and nondiscriminatory treatment of all business users; or

(10) retaliate against any business user or covered platform user that raises good-faith concerns with any law enforcement authority about actual or potential violations of State or Federal law on the covered platform or by the covered platform operator.

(b) AFFIRMATIVE DEFENSES.—

(1) IN GENERAL.—It shall be an affirmative defense to an action under subsection (a) if the defendant establishes that the conduct was reasonably tailored and reasonably necessary, such that the conduct could not be achieved through materially less discriminatory means, to—

(A) prevent a violation of, or comply with, Federal or State law;

(B) protect safety, user privacy, the security of nonpublic data, or the security of the covered platform; or

(C) maintain or substantially enhance the core functionality of the covered platform.

(2) ADDITIONAL AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to an action under paragraph (4), (5), (6), (7), (8), (9), or (10) of subsection (a) if the defendant establishes that the conduct has not resulted in and would not result in material harm to competition.

(3) EFFECT OF OTHER LAWS.—Notwithstanding any other provision of law, whether user conduct would constitute a violation of section 1030 of title 18, United States Code, shall have no effect on whether the defendant has established an affirmative defense under this division.

(4) BURDEN OF PROOF.—The defendant has the burden of proving an affirmative defense under this subsection by a preponderance of the evidence.

(c) ENFORCEMENT.—

(1) IN GENERAL.—Except as otherwise provided in this division—

(A) the Commission shall enforce this division in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this division;

(B) the Department of Justice shall enforce this division in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms of the Sherman Act (15 U.S.C. 1 et seq.), Clayton Act (15 U.S.C. 12 et seq.), and Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) were incorporated into and made a part of this division; and

(C) any attorney general of a State shall enforce this division in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms of the Sherman Act (15 U.S.C. 1 et seq.) and the Clayton Act (15 U.S.C. 12 et seq.) were incorporated into and made a part of this division.

(2) COMMISSION INDEPENDENT LITIGATION AUTHORITY.—If the Commission has reason to believe that a person violated this division, the Commission may commence a civil action, in its own name by any of its attorneys designated by it for such purpose, to recover a civil penalty and seek other appropriate relief in a district court of the United States.

(3) PARENS PATRIAE.—Any attorney general of a State may bring a civil action in the name of such State for a violation of this division as parens patriae on behalf of natural persons residing in such State, in any district court of the United States having jurisdiction of the defendant for any form of relief provided for in this section.

(4) ENFORCEMENT IN FEDERAL DISTRICT COURT.—The Commission, Department of Justice, or any attorney general of a State shall only be able to enforce this division through a civil action brought before a district court of the United States.

(5) PREPONDERANCE OF THE EVIDENCE.—The Department of Justice, the Commission, or the attorney general of a State shall establish a violation of this section by a preponderance of the evidence.

(6) REMEDIES.—

(A) IN GENERAL.—The remedies provided in this paragraph are in addition to, and not in lieu of, any other remedy available under Federal or State law.

(B) CIVIL PENALTY.—Any person who violates this division shall forfeit and pay to the United States a civil penalty in an amount that is sufficient to deter violations of this division, but not greater than 10 percent of the total United States revenue of the person for the period of time the violation occurred.

(C) INJUNCTIONS.—

(i) IN GENERAL.—The Department of Justice, the Commission, or the attorney general of any State may seek, and the court may order, relief in equity as necessary to prevent, restrain, or prohibit violations of this division.

(ii) TEMPORARY INJUNCTIONS.—

(I) IN GENERAL.—The Commission, Department of Justice, or any attorney general of a State may seek a temporary injunction requiring the covered platform operator to take or stop taking any action for not more than 120 days.

(II) GRANT.—The court may grant a temporary injunction under this clause if the Commission, the Department of Justice, or the attorney general of a State, as applicable, demonstrates—

(aa) there is a plausible claim, supported by substantial evidence raising sufficiently serious questions going to the merits to make them fair ground for litigation, that a covered platform operator violated this division;

(bb) that the conduct alleged to violate this division materially impairs the ability of business users to compete with the covered platform operator; and

(cc) a temporary injunction would be in the public interest.

(III) DURATION.—A temporary injunction under this clause shall expire not later than the date that is 120 days after the date on which a complaint under this subsection is filed.

(IV) TERMINATION.—The court shall terminate a temporary injunction under this clause if the covered platform operator demonstrates that—

(aa) the Commission, the Department of Justice, or the attorney general of the State seeking relief under this subsection has not taken reasonable steps to investigate whether a violation has occurred; or

(bb) allowing the temporary injunction to continue would harm the public interest.

(V) OTHER EQUITABLE RELIEF.—Nothing in this clause shall prevent or limit the Commission, the Department of Justice, or any attorney general of any State from seeking other equitable relief, including the relief provided in this paragraph.

(D) FORFEITURE FOR REPEAT OFFENDERS.—

(i) IN GENERAL.—If a person has engaged in a pattern or practice of violating this division, the court shall consider requiring, and may order, that the chief executive officer of the person, and any other corporate officer of the person as appropriate to deter violations of this division, forfeit to the United States Treasury any compensation received by that chief executive officer or corporate officer during the 12 months preceding the filing of a complaint for an alleged violation of this division.

(ii) FORFEITURE PROCESS.—Prior to ordering any chief executive officer or corporate officer to forfeit compensation under subsection (I), the court shall provide such chief executive officer or corporate officer with reasonable notice that the court is considering ordering forfeiture under this section and provide an opportunity for such chief executive officer or corporate officer to appear and be heard before the court at a hearing on such potential forfeiture.

(7) STATUTE OF LIMITATIONS.—A proceeding for a violation of this section may be commenced not later than 6 years after such violation occurs.

(8) RULES OF CONSTRUCTION.—

(A) IN GENERAL.—Nothing in subsection (a) may be construed—

(i) to require a covered platform operator to divulge or license any intellectual property, including any trade secrets, business secrets, or other confidential proprietary business processes, owned by or licensed to the covered platform operator;

(ii) to prevent a covered platform operator from asserting its preexisting rights under intellectual property law to prevent the unauthorized use of any intellectual property owned by or duly licensed to the covered platform operator;

(iii) to require a covered platform operator to interoperate or share data with persons or business users that are on any list maintained by the Federal Government by which entities—

(I) are identified as limited or prohibited from engaging in economic transactions as part of United States sanctions or export-control regimes; or

(II) have been identified as national security, intelligence, or law enforcement risks;

(iv) to prohibit a covered platform operator from promptly requesting and obtaining the consent of a covered platform user prior to providing access to the nonpublic, personally identifiable information of the user to a covered platform user under that subsection;

(v) in a manner that would likely result in data on the covered platform or data from another business user being transferred to the Government of the People's Republic of China or the government of a foreign adversary; or

(vi) to impose liability on a covered platform operator solely for offering—

(I) full end-to-end encrypted messaging or full end-to-end encrypted communication products or services; or

(II) a fee-for-service subscription that provides benefits to covered platform users on the covered platform.

(B) COPYRIGHT AND TRADEMARK VIOLATIONS.—An action taken by a covered platform operator that is reasonably tailored to protect the rights of third parties under section 106, 1101, 1201, or 1401 of title 17, United States Code, or rights actionable under section 32 or 43 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly known as the ''Lanham Act'' or the ''Trademark Act of 1946'') (15 U.S.C. 1114, 1125), or corollary State law, shall not be considered unlawful conduct under subsection (a).

(d) COVERED PLATFORM DESIGNATION.—

(1) IN GENERAL.—The Commission and the Department of Justice may jointly, with concurrence of the other, designate an online platform as a covered platform for the purpose of implementing and enforcing this division, which shall—

(A) be based on a finding that the criteria set forth in section 102(a)(5)(B) are met;

(B) be issued in writing and published in the Federal Register; and

(C) except as provided in paragraph (2), apply for a 7-year period beginning on the date on which the designation is issued, regardless of whether there is a change in control or ownership over the covered platform.

(2) REMOVAL OF COVERED PLATFORM DESIGNATION.—The Commission or the Department of Justice shall—

(A) consider whether a designation of a covered platform under paragraph (1) should be removed prior to the expiration of the 7-year period if the covered platform operator files a request with the Commission or the Department of Justice that shows that the online platform no longer meets the criteria set forth in section 102(a)(5)(B);

(B) determine whether to grant a request submitted under subparagraph (A) not later than 120 days after the date on which the request is filed;

(C) obtain the concurrence of the Commission or the Department of Justice, as appropriate, before granting a request submitted under subparagraph (A); and

(D) publish any decision to grant or deny removal of a covered platform designation in the Federal Register.

(3) JUDICIAL REVIEW.—Any person operating an online platform that has been designated as a covered platform under paragraph (1) or whose request for removal of such a designation under paragraph (2) is denied may, within 30 days of the issuance of such designation or decision, petition for review of such designation or decision in the United States Court of Appeals for the District of Columbia Circuit.

SEC. 104. ENFORCEMENT GUIDELINES.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission and the Department of Justice, in consultation with other relevant Federal

agencies and State attorneys general, shall jointly issue agency enforcement guidelines outlining policies and practices relating to conduct that may materially harm competition under section 103(a), agency interpretations of the affirmative defenses under section 103(b), and policies for determining the appropriate amount of a civil penalty to be sought under section 103(c), with the goal of promoting transparency, deterring violations, fostering innovation and procompetitive conduct, and imposing sanctions proportionate to the gravity of individual violations.

(b) UPDATES.—The Commission and the Department of Justice shall update the joint guidelines issued under subsection (a) as needed to reflect current agency policies and practices, but not less frequently than once every 4 years beginning on the date of enactment of this Act.

(c) PUBLIC NOTICE AND COMMENT.—Before issuing guidelines, or updates to those guidelines, under this section, the Commission and the Department of Justice shall—

(1) publish proposed guidelines in draft form; and

(2) provide public notice and opportunity for comment for not less than 60 days after the date on which the draft guidelines are published.

(d) OPERATION.—The joint guidelines issued under this section do not—

(1) confer any rights upon any person, State, or locality; and

(2) operate to bind the Commission, Department of Justice, or any person, State, or locality to the approach recommended in the guidelines.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this division may be construed to limit—

(1) any authority of the Department of Justice or the Commission under the antitrust laws, section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or any other provision of law; or

(2) the application of any law.

SEC. 106. SEVERABILITY.

If any provision of this division, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this division, and the application of the remaining provisions of this division, to any person or circumstance, shall not be affected.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this division shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—Section 103(a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(c) AUTHORITY.—The exception in subsection (b) shall not limit the authority of the Commission or Department of Justice to implement other sections of this division.

SA 6568. Ms. KLOBUCHAR (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—JOURNALISM COMPETITION AND PRESERVATION

SEC. 101. SHORT TITLE.

This division may be cited as the ''Journalism Competition and Preservation Act of 2022''.

SEC. 102. DEFINITIONS.

In this division:

(1) ACCESS.—The term ''access'' means acquiring, crawling, or indexing content.

(2) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12); and

(B) includes—

(i) section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section applies to unfair methods of competition; and

(ii) any State law (including regulations) that prohibits or penalizes the conduct described in, or is otherwise inconsistent with, sections 103 or 104.

(3) COVERED PLATFORM.—The term ''covered platform'' means an online platform that at any point during the 12 months preceding the formation of a joint negotiation entity under section 103(a)(1)—

(A) has at least 50,000,000 United States-based monthly active users or subscribers on the online platform;

(B) is owned or controlled by a person with—

(i) United States net annual sales or a market capitalization greater than $550,000,000,000, adjusted for inflation on the basis of the Consumer Price Index; or

(ii) not fewer than 1,000,000,000 worldwide monthly active users on the online platform; and

(C) is not an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(4) ELIGIBLE BROADCASTER.—The term ''eligible broadcaster'' means a person that—

(A) holds or operates under a license issued by the Federal Communications Commission under title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.);

(B) engages professionals to create, edit, produce, and distribute original content concerning local, regional, national, or international matters of public interest through activities including conducting interviews, observing current events, analyzing documents and other information, and fact checking through multiple firsthand or secondhand news sources;

(C) updates its content on at least a weekly basis;

(D) uses an editorial process for error correction and clarification, including a transparent process for reporting errors or complaints to the station; and

(E) is not a television network.

(5) ELIGIBLE DIGITAL JOURNALISM PROVIDER.—The term ''eligible digital journalism provider'' means any eligible publisher or eligible broadcaster that discloses its ownership to the public.

(6) ELIGIBLE PUBLISHER.—The term ''eligible publisher'' means any person that publishes 1 or more qualifying publications.

(7) NETWORK STATION.—The term ''network station'' means a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, 1 or more television networks.

(8) ONLINE PLATFORM.—The term ''online platform'' means a website, online or mobile application, operating system, digital assistant, or online service that accesses news articles, works of journalism, or other content, or portions thereof, generated, created, produced, or owned by eligible digital journalism providers, and aggregates, displays, provides, distributes, or directs users to such content.

(9) PERSON.—The term ''person'' includes an individual or entity existing under or authorized by the laws of the United States, the laws of any of territory of the United States, the laws of any State, the laws of the District of Columbia, or the laws of any foreign country.

(10) PRICING, TERMS, AND CONDITIONS.—The term ''pricing, terms, and conditions'' does not include any term or condition which relates to the use, display, promotion, ranking, distribution, curation, suppression, throttling, filtering, or labeling of the content or viewpoint of any person.

(11) QUALIFYING PUBLICATION.—The term ''qualifying publication'' means any website, mobile application, or other digital service that—

(A) does not primarily display, provide, distribute, or offer content generated, created, produced, or owned by an eligible broadcaster or television network; and

(B)(i) provides information to an audience primarily in the United States;

(ii) performs a public-information function comparable to that traditionally served by newspapers and other periodical news publications;

(iii) engages professionals to create, edit, produce, and distribute original content concerning local, regional, national, or international matters of public interest through activities, including conducting interviews, observing current events, or analyzing documents and other information, and fact checking through multiple firsthand or secondhand news sources;

(iv) updates its content on at least a weekly basis;

(v) has an editorial process for error correction and clarification, including a transparent process for reporting errors or complaints to the publication;

(vi)(I) generated at least $100,000 in annual revenue from its editorial content in the previous calendar year; or

(II) has an International Standard Serial Number assigned to an affiliated periodical before the date of enactment of this Act;

(vii) has not less than 25 percent of its editorial content consisting of information about topics of current local, national, or international public interest;

(viii) employed not more than 1,500 exclusive full-time employees during the 12-month period prior to the date of enactment of this Act;

(ix) is not controlled or wholly or partially owned by an entity that is—

(I) a foreign power or an agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(II)(aa) designated as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(bb) a terrorist organization, as defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II));

(cc) designated as a specially designated global terrorist organization under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); or

(dd) an affiliate of an entity described in item (aa), (bb), or (cc); or

(III) an entity that has been convicted of violating, or attempting to violate, section 2331, 2332b, or 2339A of title 18, United States Code; and

(x) is not—

(I) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(II) an organization described in section 527 of the Internal Revenue Code of 1986;

(III) an organization—

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

(bb) that is not a public broadcasting entity, as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397); or

(IV) an organization that is owned or controlled (directly or indirectly) by 1 or more organizations described in subclause (I), (II), or (III).

(12) TELEVISION NETWORK.—The term ''television network''—

(A) means any person that, on February 8, 1996, offered an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States; and

(B) does not include any network station that is owned or operated by, or affiliated with a person described in subparagraph (A).

SEC. 103. FRAMEWORK FOR CERTAIN JOINT NEGOTIATIONS.

(a) NOTICE.—

(1) PROCESS TO FORM A JOINT NEGOTIATION ENTITY.—

(A) IN GENERAL.—An eligible digital journalism provider shall provide public notice to announce the opportunity for other eligible digital journalism providers to join a joint negotiation entity for the purpose of engaging in joint negotiations with a covered platform under this section, regarding the pricing, terms, and conditions by which the covered platform may access the content of the eligible digital journalism providers that are members of the joint negotiation entity.

(B) APPLICATION.—During the 60-day period beginning on the date public notice is made under subparagraph (A), any eligible digital journalism provider may apply to join the joint negotiation entity.

(C) FORMATION.—A joint negotiation entity is established upon the agreement of 2 or more eligible digital journalism providers, and may create admission criteria for membership unrelated to the size of an eligible digital journalism provider or the views expressed by its content, including criteria to limit membership to only eligible publishers or only eligible broadcasters.

(D) GOVERNANCE.—By a majority vote of its members, a joint negotiation entity formed under this section shall establish rules and procedures to govern decision making by the entity and each eligible digital journalism provider shall be entitled to 1 vote on any matter submitted to a vote of the members.

(E) ADDITIONAL MEMBERS.—After the expiration of the 60-day period described in subparagraph (B), an eligible digital journalism provider may apply to join the joint negotiation entity, and may be admitted to the joint negotiation entity upon a majority vote of its members, if the applicant otherwise satisfies any criteria for admission established by the joint negotiation entity.

(F) DESIGNATION.—A joint negotiation entity may designate agents on a nonexclusive basis—

(i) to engage in negotiations with a covered platform conducted under this section; and

(ii) to agree to pay or receive payments under or related to an agreement negotiated under this section or an arbitration decision issued under section 104.

(G) OPT-OUT.—

(i) IN GENERAL.—After becoming a member of the joint negotiation entity, an eligible digital journalism provider may opt out of the joint negotiation entity at any time before notice is sent to the covered platform under paragraph (2).

(ii) PROHIBITION ON REJOINING.—If an eligible digital journalism provider opts out of a joint negotiation entity under clause (i), the eligible digital journalism provider may not—

(I) rejoin the joint negotiation entity; or

(II) receive any payment under or related to an agreement negotiated by the joint negotiation entity under this section or an arbitration decision issued under section 104.

(H) TERMINATION.—A joint negotiation entity will terminate and cease to exist—

(i) when the entity no longer has at least 2 members;

(ii) upon a majority vote of its members; or

(iii) upon the expiration or termination of an agreement negotiated under this section or an arbitration decision issued under section 104.

(2) NOTICE TO A COVERED PLATFORM TO INITIATE A JOINT NEGOTIATION.—

(A) IN GENERAL.—A joint negotiation under this section shall commence after a covered platform receives a notice, sent by or on behalf of a joint negotiation entity.

(B) CONTENTS OF NOTICE.—The notice described in subparagraph (A) shall—

(i) state that the joint negotiation entity is initiating a negotiation under this section to reach an agreement regarding the pricing, terms, and conditions by which the covered platform may access the content of the eligible digital journalism providers that are members of the joint negotiation entity;

(ii) identify the eligible digital journalism providers that are members of the joint negotiation entity; and

(iii) provide the physical mail address (street address or post office box), telephone number, and email address of a representative authorized to receive a response to the notice on behalf of the joint negotiation entity.

(C) REPLY.—Not later than 30 days after receiving a notice described in subparagraph (A), the covered platform shall send a reply notice to the authorized representative identified by or on behalf of the joint negotiation entity to acknowledge receipt of the notice.

(D) NOTICE TO FEDERAL ENFORCERS.—Copies of any notice described in subparagraph (A) shall be filed by or on behalf of the eligible digital journalism providers that are members of the joint negotiation entity with the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice not later than 30 days after the notice is sent to the covered platform.

(b) CONDUCT OF THE JOINT NEGOTIATIONS.—After the date a reply notice is sent under subsection (a)(2)(C), the following shall apply:

(1) Any negotiation conducted under this section shall be conducted in good faith and solely to reach an agreement regarding the pricing, terms, and conditions under which the covered platform may access the content of the eligible digital journalism providers.

(2) No pre-agreement discussions or agreement reached regarding pricing, terms, and conditions under this section may address whether or how the covered platform or any such eligible digital journalism provider—

(A) displays, ranks, distributes, suppresses, promotes, throttles, labels, filters, or curates the content of the eligible digital journalism providers; or

(B) displays, ranks, distributes, suppresses, promotes, throttles, labels, filters, or curates the content of any other person.

(3) A party is not conducting negotiations in good faith in accordance with paragraph (1) if the party—

(A) refuses to negotiate, except where eligible digital journalism providers decide to jointly deny a covered platform access to content licensed or produced by such eligible digital journalism providers under subsection (c);

(B) refuses to designate a representative with authority to make binding representations;

(C) refuses to meet and negotiate at reasonable times and locations or otherwise causes unreasonable delay;

(D) refuses to put forth more than a single, unilateral proposal;

(E) fails to respond to a proposal of the other party, including the reasons for rejection;

(F) enters into a separate third-party agreement that unreasonably impedes the party from reaching an agreement with the negotiating party; or

(G) refuses to execute a full and written agreement that has been reached verbally.

(4) A covered platform is not conducting negotiations in good faith in accordance with paragraph (1) if the covered platform enters into a separate agreement with an eligible digital journalism provider that impedes the eligible digital journalism provider from participating in a negotiation under this section.

(5) During any negotiation conducted under this section, the joint negotiation entity and the covered platform shall each make a reasonable offer regarding the pricing, terms, and conditions by which the covered platform may access the content of the eligible digital journalism providers that are members of the joint negotiation entity, substantiated with comprehensive data and methodologies, including expert analysis, that reflects—

(A) the pricing, terms, and conditions comparable to those found in commercial agreements between similarly situated entities, including price, duration, territory, value of data generated directly or indirectly by the content;

(B) the fair market value to the covered platform of having access to the content of the eligible digital journalism providers that are members of the joint negotiation entity and the resulting incremental contribution to the revenue of the covered platform, including direct and indirect advertising or promotional revenues, which shall not be offset by any value conferred upon the eligible digital journalism providers that are members of the joint negotiation entity by the covered platform for aggregating or distributing their content; and

(C) the investment of the eligible digital journalism providers that are members of the joint negotiation entity in producing original news and related content, including the number of journalists employed by each.

(c) JOINT WITHHOLDING OF CONTENT.—At any point after a notice is sent to the covered platform to initiate joint negotiations under subsection (a)(2), the eligible digital journalism providers that are members of the joint negotiation entity may jointly deny the covered platform access to content licensed or produced by such eligible digital journalism providers.

SEC. 104. ARBITRATION FOR ELIGIBLE PUBLISHERS.

(a) RIGHT TO FINAL OFFER ARBITRATION.—

(1) IN GENERAL.—If the membership of a joint negotiation entity consists only of eligible publishers, on or after the date that is 180 days after the date negotiations under section 103 begin, the joint negotiation entity may initiate a final offer arbitration against the covered platform for an arbitration panel to determine the pricing, terms, and conditions by which the content displayed, provided, distributed, or offered by a qualifying publication of any eligible publisher that is a member of the joint negotiation entity will be accessed by the covered platform if the parties are unable to reach an agreement and regardless of whether the joint negotiation entity, its members, or the

covered platform complied with the requirements of section 103(b).

(2) EFFECT OF ADDITIONAL MEMBERS.—If an additional member joins the joint negotiation entity under section 103(a)(1)(E) more than 90 days after the date negotiations under section 103 begin, the joint negotiation entity may not initiate a final offer arbitration under paragraph (1) until 180 days after the date the last member joins the joint negotiation entity. No additional members may join the joint negotiation entity after the arbitration has commenced.

(b) NOTICE.—The joint negotiation entity shall provide notice of its intention to initiate final offer arbitration under this section to all of the members of the joint negotiation entity no less than 10 days prior to initiating such final offer arbitration.

(c) MEMBERSHIP.—If a joint negotiation entity initiates final offer arbitration under this section, any individual eligible publisher that is a member of the joint negotiation entity shall remain a member of the joint negotiation entity until the completion of the arbitration, unless the eligible publisher provides written notice to the joint negotiation entity of its intention to withdraw from the joint negotiation entity within 7 days of receiving notice under subsection (b).

(d) PROCEEDINGS.—

(1) RULES OF ARBITRATION.—The arbitration shall be decided by a panel of 3 arbitrators under the American Arbitration Association's Commercial Arbitration Rules and Mediation Procedures and the American Arbitration Association-International Centre for Dispute Resolution Final Offer Arbitration Supplementary Rules, except to the extent they conflict with this subsection.

(2) INITIATION OF ARBITRATION.—A final offer arbitration under subsection (a) shall be initiated as provided in Rule R-4 of the American Arbitration Association's Commercial Arbitration Rules and Mediation Procedures, except that the joint negotiation entity initiating the arbitration shall refer to this division in its demand for arbitration, rather than submitting contractual arbitration provisions.

(3) COMMENCEMENT AND FUNDING.—

(A) COMMENCEMENT.—A final offer arbitration proceeding shall commence 10 days after the date a final offer arbitration is initiated under subsection (a).

(B) FUNDING.—The cost of administering the arbitration proceeding, including arbitrator compensation, expenses, and administrative fees, shall be shared equally between the covered platform and the joint negotiation entity.

(4) APPOINTMENT OF THE ARBITRATION PANEL.—The arbitrators shall be appointed in accordance with the American Arbitration Association's Commercial Arbitration Rules and Mediation Procedures.

(5) OTHER REQUIREMENTS.—During a final offer arbitration proceeding under this section—

(A) the joint negotiation entity and the covered platform may demand the production of documents and information that are nonprivileged, reasonably necessary, and reasonably accessible without undue expense;

(B) documents and information described in subparagraph (A) shall be exchanged not later than 30 days after the date the demand is filed;

(C) rules regarding the admissibility of evidence applicable in Federal court shall apply;

(D) the joint negotiation entity and covered platform shall each submit a final offer proposal for the pricing, terms, and conditions under which the content displayed, provided, distributed, or offered by a qualifying publication of any eligible publisher that is a member of the joint negotiation entity will be accessed by the covered platform, and which shall include the remuneration that the eligible publishers should receive from the covered platform for programmatic access to the content of the eligible publishers that are members of the joint negotiation entity during the period under negotiation based on the fair market value of such access, which shall include backup materials sufficient to permit the other party to replicate the proffered valuation;

(E) no discussion or final offer under this section may address whether or how the covered platform or any such eligible digital journalism provider—

(i) displays, ranks, distributes, suppresses, promotes, throttles, labels, filters, or curates the content of the eligible digital journalism providers; or

(ii) displays, ranks distributes, suppresses, promotes, throttles, labels, filters or curates the content of any other person; and

(F) if applicable, each eligible publisher that is a member of the joint negotiation entity shall provide information and data to guide the distribution of remuneration among the members of the joint negotiation entity, including—

(i) any compensation received by the eligible publisher through commercial agreement prior to commencement of negotiations under section 103 for access to content by the covered platform during any part of the period under negotiation, which shall be deducted from its allocation accordingly; and

(ii) spending by the eligible publisher on news journalists, which are employed for an average of not fewer than 20 hours per week during the calendar quarter by the eligible digital journalism provider and are responsible for gathering, preparing, directing the recording of, producing, collecting, photographing, recording, writing, editing, reporting, presenting, or publishing original news or information that concerns local, regional, national, or international matters of public interest in the previous fiscal year, as a proportion of its overall budget of the eligible digital journalism provider for that period, which shall be used to guide 65 percent of the distribution of remuneration among the members of the joint negotiation entity.

(e) AWARD.—

(1) IN GENERAL.—Not later than 60 days after the date proceedings commence under subsection (d)(3)(A), the arbitration panel shall issue an award that selects a final offer from 1 of the parties without modification.

(2) REQUIREMENTS.—In issuing an award under paragraph (1), the arbitration panel—

(A) may not consider any value conferred upon any eligible publisher by the covered platform for distributing or aggregating its content as an offset to the value created by such eligible publisher;

(B) shall consider past incremental revenue contributions as a guide to the future incremental revenue contribution by any eligible publisher;

(C) shall consider the pricing, terms, and conditions of any available, comparable commercial agreements between parties granting access to digital content, including pricing, terms, and conditions relating to price, duration, territory, the value of data generated directly or indirectly by the content accounting for any material disparities in negotiating power between the parties to such commercial agreements; and

(D) shall issue a binding, reasoned award, including the factual and economic bases of its award, that applies for the number of years set forth in the winning proposal, but not fewer than 5 years.

(f) PAYMENTS PURSUANT TO AWARD.—

(1) IN GENERAL.—Not later than 90 days after the date an award is issued under subsection (e), the covered platform shall begin paying any eligible publisher that was a member of the joint negotiation entity participating in the arbitration according to the terms in the final offer selected by the arbitration panel.

(2) DISBURSEMENT.—Payments made under paragraph (1) shall be dispersed by a claims administrator to the individual claimants that comprise the joint negotiation entity not later than 60 days after the date the funds were received from the covered platform.

(g) ENFORCEMENT AND JUDICIAL REVIEW.—

(1) IN GENERAL.—An award made under subsection (e) shall be enforceable by the eligible publishers or the covered platform subject to the award through a civil action brought before a district court of the United States.

(2) EXPEDITED JUDICIAL PROCESS.—In any civil action to enforce or seek judicial review of an award made under subsection (e), the court shall adopt a rebuttable presumption that good cause exists to prioritize the action under section 1657 of title 28, United States Code.

SEC. 105. LIMITATION OF LIABILITY.

(a) IN GENERAL.—In accordance with sections 103 and 104, it shall not be in violation of the antitrust laws for any eligible digital journalism providers that are members of a joint negotiation entity to—

(1) jointly deny a covered platform access to content for which the eligible digital journalism providers, individually or jointly, have the right to negotiate or arbitrate access with respect to the covered platform; or

(2) participate in joint negotiations and arbitration, as members of the joint negotiation entity, with such covered platform solely regarding the pricing, terms, and conditions under which the covered platform may access the content for which the eligible digital journalism providers, individually or jointly, have the right to negotiate or arbitrate access with respect to the covered platform.

(b) SAFE HARBOR.—

(1) ELIGIBLE DIGITAL JOURNALISM PROVIDERS.—An eligible digital journalism provider shall not be in violation of the antitrust laws if the eligible digital journalism provider participates, as a member of a joint negotiation entity, in negotiations under section 103 or arbitration under section 104—

(A) with a person that is not an eligible digital journalism provider, if the eligible digital journalism provider reasonably believes that the person is another eligible digital journalism provider; or

(B) with a person that is not a covered platform, if the eligible digital journalism provider reasonably believes that the person is a covered platform.

(2) JOINT NEGOTIATION ENTITIES.—A joint negotiation entity shall not be in violation of the antitrust laws if the joint negotiation entity engages in negotiations under section 103 or arbitration under section 104—

(A) with or on behalf of a person that is not an eligible digital journalism provider, if the joint negotiation entity reasonably believes that the person is an eligible digital journalism provider; or

(B) with a person that is not a covered platform, if the joint negotiation entity reasonably believes that the person is a covered platform.

(c) NOTIFICATION OF AGREEMENTS AND ARBITRATION DECISIONS.—

(1) AGREEMENTS.—The parties to any written agreement, resulting from a negotiation under section 103 or implementing an arbitration decision issued under section 104,

shall file a copy of such agreement with the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice not later than 60 days after such agreement is executed.

(2) ARBITRATION DECISIONS.—The parties to any arbitration decision issued under section 104, shall file a copy of such decision with the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice not later than 60 days after such decision is issued.

(3) PUBLIC DISCLOSURE.—The Federal Trade Commission shall make the documents submitted under this subsection available to the public on the Federal Trade Commission's website.

(d) LIMITATION REGARDING THE SCOPE OF LIMITATION OF LIABILITY.—No antitrust immunity shall apply to any negotiations, discussions, agreements, or arbitrations relating to the use, display, promotion, ranking, distribution, curation, suppression, throttling, filtering, or labeling of the content of the eligible digital journalism provider or of any other person. The limitation of liability under this section shall apply only to negotiations, discussions, agreements, or arbitrations regarding the pricing, terms, and conditions under which the covered platform may access the content of the eligible digital journalism provider, not to any discussions or agreements that differentiate content based on the viewpoint expressed by such content.

SEC. 106. NONDISCRIMINATION, RETALIATION, AND TRANSPARENCY.

(a) NONDISCRIMINATION.—

(1) JOINT NEGOTIATION ENTITIES.—A joint negotiation entity may not discriminate against any eligible digital journalism provider based on the size of the eligible digital journalism provider or the views expressed by the eligible digital journalism provider's content.

(2) COVERED PLATFORMS.—No covered platform may discriminate against any eligible digital journalism provider that is a member of a joint negotiation entity in connection with a negotiation conducted under section 103, or an arbitration conducted under section 104, based on the size of the eligible digital journalism provider or the views expressed by the eligible digital journalism provider's content.

(b) PROHIBITION ON RETALIATION BY COVERED PLATFORMS.—

(1) IN GENERAL.—No covered platform may retaliate against an eligible digital journalism provider for participating in a negotiation conducted under section 103, or an arbitration conducted under section 104, including by refusing to index content or changing the ranking, identification, modification, branding, or placement of the content of the eligible digital journalism provider on the covered platform.

(2) EFFECT OF CONTRACT PROVISIONS.—Any provision in an agreement that restricts an eligible digital journalism provider from receiving compensation through a negotiation conducted under section 103 or an arbitration conducted under section 104 shall be void.

(c) INVESTING IN JOURNALISM.—

(1) IN GENERAL.—Without disclosing confidential information regarding the pricing, terms, and conditions of an agreement reached under section 103, an agreement implementing an arbitration decision issued under section 104, or an arbitration decision issued under section 104, or confidential financial information, any eligible digital journalism provider that receives funds under or related to such agreement or arbitration decision shall provide to the Federal Trade Commission, on an annual basis, information regarding the use of any such funds during the prior year to support ongoing and future operations to maintain or enhance the production and distribution of news or information that concerns local, regional, national, or international matters of public interest, including—

(A) the amount of funds received under or related to each such agreement or decision; and

(B) a good-faith estimate of the amount of funds that went to news journalists employed for an average of not fewer than 20 hours per week during the calendar year by the eligible digital journalism provider.

(2) PUBLIC DISCLOSURE.—The Federal Trade Commission shall make the disclosures submitted under paragraph (1) available to the public on the Federal Trade Commission's website.

SEC. 107. PRIVATE RIGHTS OF ACTION.

(a) NEGOTIATIONS.—

(1) IN GENERAL.—Any eligible digital journalism provider, either jointly with other eligible digital journalism providers or through an authorized representative, or covered platform that participated in negotiations under section 103 may bring a civil action in an appropriate district court of the United States alleging a violation of section 103(b).

(2) DAMAGES.—A court shall award damages to a prevailing plaintiff under this subsection—

(A) approximating the value of the last reasonable offer of the plaintiff if the defendant did not conduct negotiations in good faith in violation of section 103(b)(1);

(B) approximating the value of the last reasonable offer of the plaintiff if the defendant—

(i) did not conduct negotiations in good faith in violation of section 103(b)(1); and

(ii) had not yet extended a reasonable offer; or

(C) approximating the value of the plaintiff's last reasonable offer if the defendant did not make a reasonable offer in violation of section 103(b)(5).

(3) ATTORNEYS FEES.—A court shall award attorney's fees to the prevailing party under this subsection.

(b) DISCRIMINATION.—

(1) JOINT NEGOTIATION ENTITIES.—

(A) IN GENERAL.—An eligible digital journalism provider that is denied membership in a joint negotiation entity in violation of section 106(a)(1) may bring a civil action in an appropriate district court of the United States against the joint negotiation entity and its members not later than 30 days after the date membership is denied.

(B) REMEDIES.—

(i) BEFORE AGREEMENT OR ARBITRATION DECISION.—

(I) IN GENERAL.—An eligible digital journalism provider that prevails in an action under subparagraph (A) before the date an agreement is executed under section 103 or an arbitration decision is issued under section 104, as applicable, regarding the pricing, terms, and conditions by which the covered platform may access the content of the eligible digital journalism providers that are members of the joint negotiation entity, may join the joint negotiation entity and participate in the negotiation under section 103 or the arbitration under section 104, as applicable.

(II) NOTICE.—A notice, by or on behalf of the joint negotiation entity, shall be sent to the covered platform to identify the eligible digital journalism provider that joins the negotiation or arbitration under subclause (I).

(ii) AFTER AGREEMENT OR ARBITRATION DECISION.—

(I) IN GENERAL.—An eligible digital journalism provider that prevails in an action under subparagraph (A) after the date an agreement is executed under section 103 or an arbitration decision is issued under section 104, as applicable, regarding the pricing, terms, and conditions by which the covered platform may access the content of the eligible digital journalism providers that are members of the joint negotiation entity, may join the joint negotiation entity and be eligible for the same pricing, terms, and conditions by which the covered platform may access the content of the other eligible digital journalism providers that are members of the joint negotiation entity.

(II) NOTICE.—A notice, by or on behalf of the joint negotiation entity, shall be sent to the covered platform to identify the eligible digital journalism provider that joins the joint negotiation entity under subclause (I) and that is eligible to receive the same pricing, terms, and conditions under the agreement negotiated under section 103 or the arbitration decision issued under section 104, as applicable, by which the covered platform may access the content of the other eligible digital journalism providers that are members of the joint negotiation entity.

(2) COVERED PLATFORMS.—

(A) IN GENERAL.—An eligible digital journalism provider that is discriminated against in violation of section 106(a)(2) may bring a civil action in an appropriate district court of the United States against the covered platform.

(B) REMEDIES.—An eligible digital journalism provider that prevails under subparagraph (A) shall be entitled to—

(i) recover the actual damages sustained by the eligible digital journalism provider as a result of the discrimination;

(ii) injunctive relief on such terms as the court may deem reasonable to prevent or restrain the covered platform from discriminating against the eligible digital journalism provider; and

(iii) the costs of the suit, including reasonable attorneys' fees.

(c) RETALIATION.—

(1) IN GENERAL.—An eligible digital journalism provider that is retaliated against in violation of section 106(b)(1) may bring a civil action in an appropriate district court of the United States against the covered platform.

(2) REMEDIES.—An eligible digital journalism provider that prevails in an action under paragraph (1) shall be entitled to—

(A) recover the actual damages sustained by the eligible digital journalism provider as a result of the retaliation;

(B) injunctive relief on such terms as the court may deem reasonable to prevent or restrain the covered platform from retaliating against the eligible digital journalism provider; and

(C) the costs of the suit, including reasonable attorneys' fees.

SEC. 108. REPORT.

(a) STUDY.—The Comptroller General shall study the impact of the joint negotiations authorized under this division, including a summary of the deals negotiated, the impact of such deals on local and regional news, the effect on the free, open, and interoperable Internet including the ability of the public to share and access information, and the effect this division has had on employment for journalists.

(b) REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study required under subsection (a).

SEC. 109. SUNSET.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this division shall cease to have effect on the date that is 6 years after the date of its enactment.

(b) EXCEPTION IN CASE OF INITIATED BUT INCOMPLETE JOINT NEGOTIATION OR ARBITRATION.—With respect to eligible digital journalism providers that have initiated but not concluded a negotiation under section 103 or an arbitration under section 104 on or before the sunset date described in subsection (a), this division shall cease to be effective on the date such negotiation or arbitration concludes or 180 days after the date described in subsection (a), whichever occurs first.

(c) LIMITATION OF LIABILITY EXCEPTION.—Section 105 shall remain effective without cessation for any—

(1) negotiation conducted or agreement executed under section 103;

(2) arbitration conducted or arbitration decision issued under section 104; or

(3) agreement implementing an arbitration decision issued under section 104;

during the period of effectiveness of this division.

SEC. 110. RULE OF CONSTRUCTION.

(a) ANTITRUST LAWS.—Nothing in this division may be construed to modify, impair, or supersede the operation of the antitrust laws except as otherwise expressly provided in this division.

(b) COPYRIGHT AND TRADEMARK LAW.—Nothing in this division may be construed to modify, impair, expand, or in any way alter rights pertaining to title 17, United States Code, or the Lanham Act (15 U.S.C. 1051 et seq.)

SEC. 111. SEVERABILITY.

If any provision of this division, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this division, and the application of the remaining provisions of this division to any person or circumstance shall not be affected.

SA 6569. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 6558 submitted by Mr. CASSIDY (for himself and Mr. CASEY) and intended to be proposed to the amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

Strike section ___6 (relating to a waiver of State immunity).

SA 6570. Mr. GRASSLEY (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1930, strike line 12 and all that follows through page 1931, line 6.

SA 6571. Mr. SCHUMER proposed an amendment to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, 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 6572. Mr. SCHUMER proposed an amendment to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, 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 4 days after the date of enactment of this Act.

SA 6573. Mr. SCHUMER proposed an amendment to amendment SA 6572 proposed by Mr. SCHUMER to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; as follows:

On page 1, line 3, strike ''4'' and insert ''5''.

SA 6574. Mr. SCHUMER proposed an amendment to amendment SA 6573 proposed by Mr. SCHUMER to the amendment SA 6572 proposed by Mr. SCHUMER to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; as follows:

On page 1, line 1, strike ''5'' and insert ''6''.

SA 6575. Mr. GRAHAM (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 1857, after line 23, add the following:

SEC. 1708. (a) The Attorney General may transfer to the Secretary of State the proceeds of any covered forfeited property for use by the Secretary of State to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine. Any such transfer shall be considered foreign assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), including for purposes of making available the administrative authorities and implementing the reporting requirements contained in that Act.

(b) The Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall provide a semi-annual report to the appropriate congressional committees on any transfers made pursuant to subsection (a).

(c) In this section:

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

(A) the Committee on the Judiciary of the Senate;

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

(C) the Committee on Finance of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

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

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

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

(2) The term ''covered forfeited property'' means property forfeited under chapter 46 or section 1963 of title 18, United States Code, which property belonged to, was possessed by, or was controlled by a person subject to sanctions and designated by the Secretary of the Treasury or the Secretary of State, or which property was involved in an act in violation of sanctions enacted pursuant to Executive Order 14024, and as expanded by Executive Order 14066 of March 8, 2022, and relied on for additional steps taken in Executive Order 14039 of August 20, 2021, and Executive Order 14068 of March 11, 2022.

(d) The authority under this section shall apply to any covered forfeited property forfeited on or before May 1, 2025.

SA 6576. Mr. LEE submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, after line 25, add the following:

SEC. 8145. The Secretary of the Navy shall continue to provide pay and allowances to Lieutenant Ridge Alkonis, United States Navy, until such time as the Secretary of the Navy makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

SA 6577. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 6558 submitted by Mr. CASSIDY (for himself and Mr. CASEY) and intended to be proposed to the amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

Strike section ___7(b) and insert the following:

(b) RULE OF CONSTRUCTION.—This division shall not be construed to require a religious entity described in section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a)) to make an accommodation that would violate the entity's religion (as defined in section 701(j) of such Act (42 U.S.C. 2000e(j))).

SA 6578. Mr. HEINRICH (for Mr. MORAN (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 7939, to make permanent certain educational assistance benefits under the laws administered by the Secretary of Veterans Affairs in the case of changes to courses of education by reason of emergency situations, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Auto and Education Improvement Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING EMERGENCY SITUATIONS.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended—

(1) by redesignating subchapters I and II as subchapters II and III, respectively; and

(2) by inserting before subchapter II, as so redesignated, the following new subchapter:

''SUBCHAPTER I—EMERGENCY SITUATIONS

''§ 3601. Definition of emergency situation

''In this chapter, the term 'emergency situation' means a situation that—

''(1) the President declares is an emergency; and

''(2) the Secretary determines is an emergency for purposes of the laws administered by the Secretary.

''§ 3602. Continuation of educational assistance benefits during emergency situations

''(a) AUTHORITY.—(1) If the Secretary determines under subsection (c) that an individual is negatively affected by an emergency situation, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur.

''(2) The authority under this section is in addition to the other authorities of the Secretary to provide benefits in emergency situations, but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of any other such authority and this section.

''(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—

''(1) continue to pay a monthly housing stipend under chapter 33 of this title, during a month the individual would have been enrolled in a program of education or training but for the emergency situation at the same rate such stipend would have been payable if the individual had not been negatively affected by the emergency situation, except that the total number of weeks for which stipends may continue to be so payable may not exceed four weeks; and

''(2) continue to pay payments or subsistence allowances under chapters 30, 31, 32, 33, and 35 of this title and chapter 1606 of title 10 during a month for a period of time that the individual would have been enrolled in a program of education or training but for the emergency situation, except that the total number of weeks for which payments or allowances may continue to be so payable may not exceed four weeks.

''(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by an emergency situation if—

''(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or training using educational assistance under the laws administered by the Secretary;

''(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning, or otherwise modified or made unavailable by reason of the emergency situation; and

''(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the emergency situation.

''(d) EFFECT ON ENTITLEMENT PERIOD.—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual's entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

''§ 3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations

''In the case of a program of education approved by a State approving agency, or the Secretary when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution or training establishment to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—

''(1) monthly housing stipends under chapter 33 of this title; or

''(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

''§ 3604. Effects of closure of educational institution and modification of courses by reason of emergency situation

''(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

''(1) be charged against any entitlement to educational assistance of the individual concerned; or

''(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

''(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, if the Secretary determines that the individual—

''(1) was unable to complete such course or program as a result of—

''(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of an emergency situation; or

''(B) the disapproval of the course or a course that is a necessary part of that program under this chapter because the course was modified by reason of such emergency; and

''(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

''(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—

''(1) monthly housing stipends payable under chapter 33 of this title for any month the individual would have been enrolled in a course or program of education; and

''(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10 during a month the individual would have been enrolled in a course or program of education.

''(d) PERIOD NOT CHARGED.—The period for which, by reason of this section, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

''(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

''(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

''(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that—

''(A) such disapproval is the result of an action described in subsection (b)(1)(B); and

''(B) continuing pursuing such course is in the best interest of the individual.

''(2) An individual described in this paragraph is an individual who is pursuing a

course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, as of the date on which the course is disapproved as described in subsection (b)(1)(B).

''(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES OF HOUSING STIPEND CALCULATION.—In the case of an individual who, as of the first day of an emergency situation was enrolled on a full-time basis in a program of education and was receiving educational assistance under chapter 33 of this title or subsistence allowance under chapter 31 of this title, and for whom the Secretary makes a determination under subsection (b), the individual shall be treated as an individual enrolled in a program of education on a full-time basis for the purpose of calculating monthly housing stipends payable under chapter 33 of this title, or subsistence allowance payable under chapter 31 of this title, for any month the individual is enrolled in the program of education on a part-time basis to complete any course of education that was partially or fully canceled by reason of the emergency situation.

''(g) NOTICE OF CLOSURES.—Not later than five business days after the date on which the Secretary receives notice that an educational institution will close or is closed by reason of an emergency situation, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 of title 10 notice of—

''(1) such closure and the date of such closure; and

''(2) the effect of such closure on the individual's entitlement to educational assistance pursuant to this section.

''§ 3605. Payment of educational assistance in cases of withdrawal

''(a) IN GENERAL.—In the case of any individual who withdraws from a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title for a covered reason during the period of an emergency situation, the Secretary shall find mitigating circumstances for purposes of section 3680(a)(1)(C)(ii) of this title.

''(b) COVERED REASON.—In this section, the term 'covered reason' means any reason related to an emergency situation, including—

''(1) illness, quarantine, or social distancing requirements;

''(2) issues associated with accessibility;

''(3) access or availability of childcare;

''(4) providing care for a family member or cohabitants;

''(5) change of location or residence due to the emergency situation or associated school closures;

''(6) employment changes or financial hardship; and

''(7) issues associated with changes in format or medium of instruction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended—

(1) by striking the item relating to subchapter II and inserting the following new item:

''SUBCHAPTER III–MISCELLANEOUS PROVISIONS''.

(2) by striking the item relating to subchapter I and inserting the following new item:

''SUBCHAPTER II–STATE APPROVING AGENCIES''.

(3) by inserting before the item relating to subchapter II the following new items:

''SUBCHAPTER I–EMERGENCY SITUATIONS

''3601. Definition of emergency situation.

''3602. Continuation of educational assistance benefits during emergency situations.

''3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations.

''3604. Effects of closure of educational institution and modification of courses by reason of emergency situation.

''3605. Payment of educational assistance in cases of withdrawal.''.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Sections 1102, 1103, and 1104 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315).

(2) Public Law 116–128.

SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT.

(a) MONTGOMERY BI BILL.—Section 3031 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(i) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, such 10-year period—

''(1) shall not run during the period the individual is so prevented from pursuing such program; and

''(2) shall again begin running on the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter.''.

(b) POST-9/11 EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3321(b)(1) of such title is amended—

(A) by inserting ''(A)'' before ''Subsections'';

(B) in subparagraph (A), as designated by subparagraph (A), by striking ''and (d)'' and inserting ''(d), and (i)''; and

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

''(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.''.

(2) TRANSFER PERIOD.—Section 3319(h)(5) of such title is amended—

(A) in subparagraph (A), by inserting ''or (C)'' after ''subparagraph (B)''; and

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

''(C) EMERGENCY SITUATIONS.—In any case in which the Secretary determines that an individual to whom entitlement is transferred under this section has been prevented from pursuing the individual's chosen program of education before the individual attains the age of 26 years because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, the Secretary shall extend the period during which the individual may use such entitlement for a period equal to the number of months that the individual was so prevented from pursuing the program of education, as determined by the Secretary.''.

(c) VOCATIONAL REHABILITATION AND TRAINING.—

(1) PERIOD FOR USE.—Section 3103 of such title is amended—

(A) in subsection (a), by striking ''or (g)'' and inserting ''(g), or (h)''; and

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

''(h) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the 12-year period of eligibility prescribed in subsection (a) due to an emergency situation, such 12-year period—

''(1) shall not run during the period the individual is so prevented from participating such program; and

''(2) shall again begin running on the first day after the individual is able to resume participation in such program.''.

(2) DURATION OF PROGRAM.—Section 3105(b) of such title is amended—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in paragraphs (2) and (5) of section 3104(a) of this title due to an emergency situation, the Secretary shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in such counseling and services, as determined by the Secretary.

''(B) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter due to an emergency situation, the Secretary shall extend the period of the veteran's vocational rehabilitation program for a period equal to the number of months that the veteran was so prevented from participating in the vocational rehabilitation program, as determined by the Secretary.''.

(d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person's entitlement due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.''.

(e) EMERGENCY SITUATION DEFINED.—

(1) POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.—Section 3301 of title 38, United States Code, is amended—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'emergency situation' has the meaning given such term in section 3601 of this title.''.

(2) MGIB.—Section 3002 of such title is amended by adding at the end the following new paragraph:

''(9) The term 'emergency situation' has the meaning given such term in section 3601 of this title.''.

(3) VOCATIONAL REHABILITATION AND TRAINING.—

(A) IN GENERAL.—Section 3101 of such title is amended—

(i) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph:

''(10) The term 'emergency situation' has the meaning given such term in section 3601 of this title.''.

(B) CONFORMING AMENDMENTS.—Such title is amended—

(i) in section 1728(a)(4)(A), by striking ''section 3101(9) of'' and inserting ''section 3101 of''; and

(ii) in section 3695(b), by striking ''in section 3101(5)'' and inserting ''in section 3101''.

(4) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) In this section, the term 'emergency situation' has the meaning given such term in section 3601 of title 38.''.

(f) CONFORMING REPEAL.—Section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES.

(a) IN GENERAL.—Section 3104 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e) In the case of any veteran whom the Secretary determines is satisfactorily following a program of employment services provided under subsection (a)(5) during the period of an emergency situation, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of this title for full-time training for the type of program that the veteran was pursuing, for two additional months, if the Secretary determines that the veteran is negatively affected by the emergency situation.''.

(b) CONFORMING REPEAL.—Section 8 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 5. PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3485 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) In case of an individual who is in receipt of work-study allowance pursuant to an agreement described in subsection (a)(3) as of the date on which an emergency situation occurs and who is unable to continue to perform qualifying work-study activities described in subsection (a)(4) by reason of the emergency situation—

''(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

''(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.

''(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) during the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.

''(3) The term 'emergency situation' has the meaning given that term in section 3601 of this title.''.

(b) CONFORMING REPEAL.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS ENROLLED IN EDUCATIONAL INSTITUTIONS CLOSED FOR EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3680 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h) PAYMENTS DURING EMERGENCY SITUATIONS.—(1) The Secretary may pay allowances to an eligible veteran or eligible person under subsection (a)(2)(A), if the veteran or person is enrolled in a program or course of education that—

''(A) is provided by an educational institution or training establishment that is closed by reason of an emergency situation; or

''(B) is suspended by reason of an emergency situation.

''(2) The total number of weeks for which allowances may be paid by reason of this subsection may not exceed four weeks.

''(3) Any amount paid under this subsection shall not be counted for purposes of the limitation on allowances under subsection (a)(2)(A).''.

(b) CONFORMING REPEAL.—Section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.

(a) IN GENERAL.—Section 3687(e) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2)(A) Subject to subparagraphs (B) and (C), for any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

''(B) In the case of an individual who is unemployed by reason of an emergency situation during any month, the 120-hour requirement under subparagraph (A) for that month shall be reduced proportionately to reflect the individual's period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

''(C) Any period during which an individual is unemployed by reason of an emergency situation shall not—

''(i) be charged against any entitlement to educational assistance of the individual; or

''(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

''(D) Any amount by which the entitlement of an individual is reduced under subparagraph (A) shall not—

''(i) be charged against any entitlement to educational assistance of the individual; or

''(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

''(E)(i) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

''(F) This paragraph applies to amounts described in section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this title and section 16131(d)(2) of title 10.

''(G) In this paragraph:

''(i) The term 'unemployed' includes being furloughed or being scheduled to work zero hours.

''(ii) The term 'fails to complete 120 hours of training' means, with respect to an individual, that during any month, the individual completes at least one hour, but fewer than 120 hours, of training, including in a case in which the individual is unemployed for part of, but not the whole, month.''.

(b) CONFORMING REPEAL.—Section 1106 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is repealed.

SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION.

(a) PERMANENT APPLICABILITY.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B)(ii), by striking ''and'' at the end and inserting ''or'' ; and

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

''(C) the temporary closure of an educational institution or training establishment or the temporary closure or termination of a course or program of education by reason of an emergency situation; and''.

(b) CONFORMING REPEAL.—Section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 9. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN STUDY-ABROAD PROGRAMS.

(a) IN GENERAL.—Section 3680A(f) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''The Secretary'' and inserting ''(1) Except as provided in paragraph (2), the Secretary''; and

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

''(2)(A) In the case of a covered study-abroad course, the Secretary may approve the course for a period of not more than five years, if the contract or other written agreement under which the course is offered provides that—

''(i) the educational institution that offers a course that is approved under this chapter agrees—

''(I) to assume responsibility for the quality and content of the covered study-abroad course; and

''(II) to serve as the certifying official for the course for purposes of this chapter; and

''(ii) the educational institution that offers the covered study-abroad course agrees to seek the approval of the course under this chapter by not later than five years after the date of the agreement.

''(B) In this paragraph, the term 'covered study-abroad course' means a course that—

''(i) is provided as a part of a program of education offered by an educational institution under a contract or other written agreement by another educational institution that offers a course that is approved under this chapter;

''(ii) is provided at a location in a foreign country; and

''(iii) has not been approved under this chapter.''.

(b) TREATMENT OF CERTAIN COURSES.—In the case of any covered study-abroad course,

under the meaning given such term in subparagraph (B) of paragraph (2) of subsection (f) of section 3680A of title 38, United States Code, as added by subsection (a), that is being offered under a contract or other written agreement as of the date of the enactment of this Act, the Secretary of Veterans Affairs may approve such course under such paragraph (2) for the five-year period beginning on the date of the enactment of this Act, if such contract or other written agreement meets the criteria provided in subparagraph (A) of such paragraph.

SEC. 10. ELIGIBILITY FOR EDUCATIONAL ASSISTANCE UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGES.

(a) SHORT TITLE.—This section may be cited as the ''Sgt. Wolf Kyle Weninger Veterans Education Fairness Act of 2022''.

(b) ELIGIBILITY.—Subsection (b)(2) of section 3311 of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''who'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting such clause two ems to the right;

(3) by inserting before clause (i), as so redesignated, the following new subparagraph (A):

''(A) who—'';

(4) in subparagraph (A)(ii), as so redesignated—

(A) by striking ''in subparagraph (A)'' and inserting ''in clause (i)''; and

(B) by striking the period and inserting ''or by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10); or''; and

(5) by adding at the end the following new subparagraph (B):

''(B) who—

''(i) commencing on or after September 11, 2001, completes at least 30 continuous days of service described in subsection (d) (1) or (2); and

''(ii) after completion of service described in clause (i), is discharged or released by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).''.

(c) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking ''The following'' and inserting ''Except as provided in subsection (b)(2)(B), the following''.

SEC. 11. UNIFORM APPLICATION FOR DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF COURSES OF EDUCATION.

(a) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by inserting after section 3672 the following new section:

''§ 3672A. Uniform application

''(a) IN GENERAL.—(1) The Secretary, in partnership with State approving agencies, educational institutions, and training establishments, shall require the use of a uniform application by any educational institution or training establishment seeking the approval of a new course of education under this chapter.

''(2) The Secretary shall maintain one uniform application for institutions of higher learning and one such application for other educational institutions and training establishments.

''(3) In the case of any State that uses approval criteria not covered by a uniform application under this section, the State approving agency for that State shall require the use of the uniform application and may require the submittal of additional information.

''(b) REQUIREMENTS.—The uniform application required under subsection (a) shall meet the following requirements:

''(1) A requirement that the appropriate executive of the educational institution or training establishment seeking the approval of a course of education attests on behalf of the educational institution or training establishment that the educational institution or training establishment—

''(A) is in compliance with all applicable laws and regulations relating to the approval of courses of education under this chapter; and

''(B) during the five-year period preceding the date of the application—

''(i) has not been subject to, or been party to a contract with any individual or entity that has been subject to, any adverse administrative or judicial action that—

''(I) related to the instruction or training, including with respect to the quality of education, provided by the institution or establishment; and

''(II) resulted in a fine or penalty in an amount equal to or more than five percent of the amount of funding provided to the institution or establishment under title IV of the Higher Education Act of 1965 for the fiscal year preceding the year in which the application is submitted; or

''(ii) has not employed an individual, or been party to a contract with any individual or entity, that has been convicted of a Federal fraud charge related to the instruction or training provided by the institution or establishment.

''(2) In the case of any educational institution or training establishment that is not participating in title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a requirement for the inclusion of—

''(A) a copy of—

''(i) the articles of incorporation filed on behalf of the institution or establishment or proof of licensing to operate as an educational institution or training establishment in the State where the institution or establishment is located; and

''(ii) the financial position of the institution or establishment, as prepared by an appropriate third-party entity; or

''(B) other adequate evidence, as determined by the Secretary, that the institution or establishment is authorized to provide post-secondary education or training in the State where the institution or establishment is located.

''(3) In the case of any course of education that is offered by an educational institution or training establishment that has never offered a course of education that was approved under this chapter, a requirement for the inclusion of information about the course of education covered by the application, including—

''(A) the number of students who have entered and graduated from the course during the preceding two-year period; and

''(B) if available, the cohort default rate for funds provided to the institution or establishment under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(4) In the case of any educational institution or training establishment that is not an institution of higher learning, a requirement for the inclusion of—

''(A) a list of individuals who will serve as fully qualified instructors for the course of education, as of the date of the application, and an attestation that such individuals—

''(i) have a degree or other training, as appropriate, in the field of the course;

''(ii) effectively teach the skills offered under the course; and

''(iii) have demonstrated relevant industry experience in the field of the course; and

''(B) a list of individuals who will serve as career services employees for students enrolled in the course and an attestation that such individuals are skilled at identifying professions in the relevant industry that are in need of new employees to hire, tailoring the course of education to meet market needs, and identifying the employers likely to hire graduates.

''(c) REQUIREMENTS FOR STATE APPROVING AGENCIES.—During the approval process with respect to a uniform application submitted by an educational institution or training establishment, a State approving agency, or the Secretary when acting in the role of a State approving agency, shall contact the Secretary of Education to determine whether the course of education subject to such approval process has withdrawn, or been denied or suspended, from receiving for benefits under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(d) APPROPRIATE EXECUTIVE.—In this section, the appropriate executive of an educational institution or training establishment is a senior executive official, senior administrator, owner, or operator designated by the institution or establishment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3672 the following new item:

''3672A. Uniform application.''.

(c) APPLICABILITY.—The application required by section 3672A of title 38, United States Code, as added by subsection (a), shall—

(1) be developed by not later than October 1, 2023; and

(2) be required for the approval of any new course of education proposed on or after that day.

SEC. 12. NOTICE REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS EDUCATION SURVEYS.

(a) RISK-BASED SURVEY.—Section 3673A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) NOTICE.—To the maximum amount feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than one business day of notice to an educational institution before conducting a targeted risk-based survey of the institution under this section.''.

(b) COMPLIANCE SURVEYS.—Section 3693 of title 38, United States Code, is amended—

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

(2) by inserting after subsection (b) the following new subsection (c):

''(c) To the maximum extent feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than 10 business days of notice to an educational institution or training establishment before conducting a compliance survey of the institution or establishment under this section.''.

SEC. 13. EXCEPTION TO REQUIREMENT TO SUBMIT VERIFICATION OF ENROLLMENT OF CERTAIN INDIVIDUALS.

Section 3313(l) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''The Secretary'' and inserting ''Except as provided in paragraph (4), the Secretary''; and

(2) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) EXCEPTION.—An educational institution is not required to submit verification of an individual under paragraph (1)(A) if—

''(A) the individual is enrolled in a course or program of education offered by the educational institution on at least a full-time basis before the date on which the individual is able to withdraw from the course or program of education without penalty;

''(B) the educational institution charges the same amount of tuition and fees for students who are enrolled on a full-time basis and students who are enrolled on a more-than-full-time basis; and

''(C) the individual remains enrolled in the course or program of education after the date on which the individual is able to withdraw from the course or program of education without penalty.''.

SEC. 14. EXPANSION OF ELIGIBILITY FOR SELF-EMPLOYMENT ASSISTANCE UNDER VETERAN READINESS AND EMPLOYMENT PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Paragraph (12) of subsection (a) of section 3104 of title 38, United States Code, is amended to read as follows:

''(12) Such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for a veteran to begin self-employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.''.

(b) PRIORITY.—Subsection (c)(1) of such section is amended by inserting before the first period the following: '', including with respect to providing priority for services under subsection (a)(12) to veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment''.

(c) TECHNICAL AMENDMENTS.—Section 3117 of such title is amended—

(1) in subsection (a)(2)(C), by striking ''this clause'' and inserting ''this subparagraph''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''insure'' and inserting ''ensure''; and

(B) in paragraph (2), by striking ''clause'' both places it appears and inserting ''paragraph''.

SEC. 15. POSSIBLE DEFINITIONS OF CERTAIN TERMS RELATING TO EDUCATIONAL ASSISTANCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing possible definitions of the Secretary for each of the following terms:

(1) Student services.

(2) Marketing.

(3) Classroom instruction.

SEC. 16. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF PENSION.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''October 30, 2028'' and inserting ''November 30, 2031''.

SEC. 17. TERMINATION OF CERTAIN CONSUMER CONTRACTS BY SERVICEMEMBERS AND DEPENDENTS WHO ENTER INTO CONTRACTS AFTER RECEIVING MILITARY ORDERS FOR PERMANENT CHANGE OF STATION BUT THEN RECEIVE STOP MOVEMENT ORDERS DUE TO AN EMERGENCY SITUATION.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) in the section heading, by striking ''**TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS SERVICE**'' and inserting ''**CERTAIN CONSUMER**'';

(2) in subsection (a)—

(A) in the heading, by adding ''OR DEPENDENT OF A SERVICEMEMBER'' at the end;

(B) in paragraph (1)—

(i) by striking ''after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.'' and inserting ''after—''; and

(ii) by adding at the end the following:

''(A) the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract; or

''(B) the date the servicemember, while in military service, receives military orders for a permanent change of station, thereafter enters into the contract, and then receives a stop movement order issued by the Secretary of Defense or the Secretary of Homeland Security in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, that prevents the servicemember from using the services provided under the contract.''; and

(C) in paragraph (4), by adding at the end the following new subparagraph:

''(D) The spouse or dependent of a servicemember, described in paragraph (1)(B), who accompanies such servicemember during the period of relocation.'';

(3) by striking subsection (b) and inserting the following:

''(b) COVERED CONTRACTS.—A contract described in this subsection is a contract—

''(1) for—

''(A) commercial mobile service;

''(B) telephone exchange service;

''(C) internet access service;

''(D) multichannel video programming service;

''(E) a gym membership or fitness program; or

''(F) home security services; and

''(2) entered into by a servicemember before receiving the military orders referred to in subsection (a)(1).''; and

(4) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting, after paragraph (1), the following new paragraph (2):

''(2) The terms 'military orders' and 'permanent change of station' have the meanings given such terms in section 305.''.

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

SEC. 18. RESIDENCE FOR TAX PURPOSES.

Section 511(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4001(a)) is amended by striking paragraph (2) and inserting the following:

''(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders.

''(3) ELECTION.—For any taxable year of the marriage, a servicemember and the spouse of such servicemember may elect to use for purposes of taxation, regardless of the date on which the marriage of the servicemember and the spouse occurred, any of the following:

''(A) The residence or domicile of the servicemember.

''(B) The residence or domicile of the spouse.

''(C) The permanent duty station of the servicemember.''.

SEC. 19. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

''SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

''(a) IN GENERAL.—In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

''(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

''(2) remains in good standing with—

''(A) the licensing authority that issued the covered license; and

''(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

''(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

''(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.

''(c) COVERED LICENSE DEFINED.—In this section, the term 'covered license' means a professional license or certificate—

''(1) that is in good standing with the licensing authority that issued such professional license or certificate;

''(2) that the servicemember or spouse of a servicemember has actively used during the two years immediately preceding the relocation described in subsection (a); and

''(3) that is not a license to practice law.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

''Sec. 705A. Portability of professional licenses of servicemembers and their spouses.''.

SEC. 20. PROVISION OF NONARTICULATING TRAILERS AS ADAPTIVE EQUIPMENT.

Section 3901(2) of title 38, United States Code, is amended—

(1) by striking ''and special'' and inserting ''special''; and

(2) by striking ''conveyance.'' and inserting ''conveyance, and nonarticulating trailers solely designed to transport powered wheelchairs, powered scooters, or other similar mobility devices.''.

SEC. 21. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ADDITIONAL AUTOMOBILE OR OTHER CONVEYANCE.

Section 3903(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3) The Secretary may provide or assist in providing an eligible person with an additional automobile or other conveyance under this chapter—

''(A) if more than 30 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter; or

''(B) beginning on the day that is 10 years after date of the enactment of the Veterans Auto and Education Improvement Act of 2022, if more than 10 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter.''.

SEC. 22. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF CERTAIN VEHICLE MODIFICATIONS AS MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(I) The provision of medically necessary van lifts, raised doors, raised roofs, air conditioning, and wheelchair tiedowns for passenger use.''.

SEC. 23. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, 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 Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 6579. Mr. TILLIS (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION KK—INDIAN AFFAIRS MATTERS

TITLE I—LUMBEE TRIBE OF NORTH CAROLINA RECOGNITION ACT OF 2022

SEC. 101. SHORT TITLE.

This title may be cited as the ''Lumbee Tribe of North Carolina Recognition Act of 2022''.

SEC. 102. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254, chapter 375), is amended—

(1) by striking section 2;

(2) in the first sentence of the first section, by striking ''That the Indians'' and inserting the following:

''SEC. 3. DESIGNATION OF LUMBEE INDIANS.

''The Indians'';

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

''SECTION 1. FINDINGS.

''Congress finds that—'';

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;

(C) by striking ''Whereas'' each place it appears;

(D) by striking ''and'' after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking '': Now, therefore,'' and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

(5) by striking the last sentence of section 3 (as designated by paragraph (2));

(6) by inserting before section 3 (as designated by paragraph (2)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) TRIBE.—The term 'Tribe' means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina.''; and

(7) by adding at the end the following:

''SEC. 4. FEDERAL RECOGNITION.

''(a) IN GENERAL.—Federal recognition is extended to the Tribe (as designated as petitioner number 65 by the Office of Federal Acknowledgment).

''(b) APPLICABILITY OF LAWS.—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

''(c) PETITION FOR ACKNOWLEDGMENT.—Notwithstanding section 3, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Tribe (as determined under section 5(d)) may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

''SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

''(a) IN GENERAL.—The Tribe and its members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes.

''(b) SERVICE AREA.—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(c) DETERMINATION OF NEEDS.—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—

''(1) develop, in consultation with the Tribe, a determination of needs to provide the services for which members of the Tribe are eligible; and

''(2) after the tribal roll is verified, each submit to Congress a written statement of those needs.

''(d) TRIBAL ROLL.—

''(1) IN GENERAL.—For purpose of the delivery of Federal services and benefits described in subsection (a), the tribal roll in effect on the date of enactment of this section shall, subject to verification by the Secretary, define the service population of the Tribe.

''(2) VERIFICATION LIMITATION AND DEADLINE.—The verification by the Secretary under paragraph (1) shall—

''(A) be limited to confirming documentary proof of compliance with the membership criteria set out in the constitution of the Tribe adopted on November 16, 2001; and

''(B) be completed not later than 2 years after the submission of a digitized roll with supporting documentary proof by the Tribe to the Secretary.

''SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

''(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

''SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

''(a) IN GENERAL.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of, the Tribe, or any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed; and

''(2) all civil actions that arise.

''(b) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

''(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.

''(c) EFFECT.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.

''SEC. 9. SHORT TITLE.

''This Act may be cited as the 'Lumbee Tribe of North Carolina Recognition Act'.''.

TITLE II—TRIBAL TRUST LAND HOMEOWNERSHIP ACT OF 2022

SEC. 201. SHORT TITLE.

This title may be cited as the ''Tribal Trust Land Homeownership Act of 2022''.

SEC. 202. DEFINITIONS.

In this title:

(1) APPLICABLE BUREAU OFFICE.—The term ''applicable Bureau office'' means—

(A) a Regional office of the Bureau;

(B) an Agency office of the Bureau; or

(C) a Land Titles and Records Office of the Bureau.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau.

(4) FIRST CERTIFIED TITLE STATUS REPORT.—The term ''first certified title status report'' means the title status report needed to verify title status on Indian land.

(5) INDIAN LAND.—The term ''Indian land'' has the meaning given the term in section 162.003 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) LAND MORTGAGE.—The term ''land mortgage'' means a mortgage obtained by an individual Indian who owns a tract of trust land for the purpose of—

(A) home acquisition;

(B) home construction;

(C) home improvements; or

(D) economic development.

(7) LEASEHOLD MORTGAGE.—The term ''leasehold mortgage'' means a mortgage, deed of trust, or other instrument that pledges the leasehold interest of a lessee as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.

(8) MORTGAGE PACKAGE.—The term ''mortgage package'' means a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document submitted to an applicable Bureau office under section 203(a)(1).

(9) RELEVANT FEDERAL AGENCY.—The term ''relevant Federal agency'' means any of the following Federal agencies that guarantee or make direct mortgage loans on Indian land:

(A) The Department of Agriculture.

(B) The Department of Housing and Urban Development.

(C) The Department of Veterans Affairs.

(10) RIGHT-OF-WAY DOCUMENT.—The term ''right-of-way document'' has the meaning given the term in section 169.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(11) SUBSEQUENT CERTIFIED TITLE STATUS REPORT.—The term ''subsequent certified title status report'' means the title status report needed to identify any liens against a residential, business, or land lease on Indian land.

SEC. 203. MORTGAGE REVIEW AND PROCESSING.

(a) REVIEW AND PROCESSING DEADLINES.—

(1) IN GENERAL.—As soon as practicable after receiving a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall notify the lender that the proposed residential leasehold mortgage, business leasehold mortgage, or right-of-way document has been received.

(2) PRELIMINARY REVIEW.—

(A) IN GENERAL.—Not later than 10 calendar days after receipt of a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall conduct and complete a preliminary review of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document to verify that all required documents are included.

(B) INCOMPLETE DOCUMENTS.—As soon as practicable, but not more than 2 calendar days, after finding that any required documents are missing under subparagraph (A), the applicable Bureau office shall notify the lender of the missing documents.

(3) APPROVAL OR DISAPPROVAL.—

(A) LEASEHOLD MORTGAGES.—Not later than 20 calendar days after receipt of a complete executed residential leasehold mortgage or business leasehold mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the residential leasehold mortgage or business leasehold mortgage.

(B) RIGHT-OF-WAY DOCUMENTS.—Not later than 30 calendar days after receipt of a complete executed right-of-way document, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the right-of-way document.

(C) LAND MORTGAGES.—Not later than 30 calendar days after receipt of a complete executed land mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the land mortgage.

(D) REQUIREMENTS.—The determination of whether to approve or disapprove a residential leasehold mortgage or business leasehold mortgage under subparagraph (A), a right-of-way document under subparagraph (B), or a land mortgage under subparagraph (C)—

(i) shall be in writing; and

(ii) in the case of a determination to disapprove a residential leasehold mortgage, business leasehold mortgage, right-of-way document, or land mortgage shall, state the basis for the determination.

(E) APPLICATION.—This paragraph shall not apply to a residential leasehold mortgage or business leasehold mortgage with respect to Indian land in cases in which the applicant for the residential leasehold mortgage or business leasehold mortgage is an Indian tribe (as defined in subsection (d) of the first section of the Act of 1955 (69 Stat. 539, chapter 615; 126 Stat. 1150; 25 U.S.C. 415(d))) that has been approved for leasing under subsection (h) of that section (69 Stat. 539, chapter 615; 126 Stat. 1151; 25 U.S.C. 415(h)).

(4) CERTIFIED TITLE STATUS REPORTS.—

(A) COMPLETION OF REPORTS.—

(i) IN GENERAL.—Not later than 10 calendar days after the applicable Bureau office approves a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (3), the applicable Bureau office shall complete the processing of, as applicable—

(I) a first certified title status report, if a first certified title status report was not completed prior to the approval of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document; and

(II) a subsequent certified title status report.

(ii) REQUESTS FOR FIRST CERTIFIED TITLE STATUS REPORTS.—Notwithstanding clause (i), not later than 14 calendar days after the applicable Bureau office receives a request for a first certified title status report from an applicant for a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (1), the applicable Bureau office shall complete the processing of the first certified title status report.

(B) NOTICE.—

(i) IN GENERAL.—As soon as practicable after completion of the processing of, as applicable, a first certified title status report or a subsequent certified title status report under subparagraph (A), but by not later than the applicable deadline described in that subparagraph, the applicable Bureau office shall give notice of the completion to the lender.

(ii) FORM OF NOTICE.—The applicable Bureau office shall give notice under clause (i)—

(I) electronically through secure, encryption software; and

(II) through the United States mail.

(iii) OPTION TO OPT OUT.—The lender may opt out of receiving notice electronically under clause (ii)(I).

(b) NOTICES.—

(1) IN GENERAL.—If the applicable Bureau office does not complete the review and processing of mortgage packages under subsection (a) (including any corresponding first certified title status report or subsequent certified title status report under paragraph (4) of that subsection) by the applicable deadline described in that subsection, immediately after missing the deadline, the applicable Bureau office shall provide notice of the delay in review and processing to—

(A) the party that submitted the mortgage package or requested the first certified title status report; and

(B) the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested.

(2) REQUESTS FOR UPDATES.—In addition to providing the notices required under paragraph (1), not later than 2 calendar days after receiving a relevant inquiry with respect to a submitted mortgage package from the party that submitted the mortgage package or the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested or an inquiry with respect to a requested first certified title status report from the party that requested the first certified title status report, the applicable Bureau office shall respond to the inquiry.

(c) DELIVERY OF FIRST AND SUBSEQUENT CERTIFIED TITLE STATUS REPORTS.—Notwithstanding any other provision of law, any first certified title status report and any subsequent certified title status report, as applicable, shall be delivered directly to—

(1) the lender;

(2) any local or regional agency office of the Bureau that requests the first certified title status report or subsequent certified title status report;

(3) in the case of a proposed residential leasehold mortgage or land mortgage, the relevant Federal agency that insures or guarantees the loan; and

(4) if requested, any individual or entity described in section 150.303 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(d) ACCESS TO TRUST ASSET AND ACCOUNTING MANAGEMENT SYSTEM.—Beginning on the date of enactment of this Act, the relevant Federal agencies and Indian Tribes shall have read-only access to the Trust Asset and Accounting Management System maintained by the Bureau.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1 of each calendar year, the Director shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—

(A) for the most recent calendar year, the number of requests received to complete residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any requests for corresponding first certified title status reports and subsequent certified title status reports), including a detailed description of—

(i) requests that were and were not successfully completed by the applicable deadline described in subsection (a) by each applicable Bureau office; and

(ii) the reasons for each applicable Bureau office not meeting any applicable deadlines; and

(B) the length of time needed by each applicable Bureau office during the most recent calendar year to provide the notices required under subsection (b)(1).

(2) REQUIREMENT.—In submitting the report required under paragraph (1), the Director shall maintain the confidentiality of personally identifiable information of the parties involved in requesting the completion of residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any corresponding first certified title status reports and subsequent certified title status reports).

(f) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes—

(1) an evaluation of the need for residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages of each Indian Tribe to be digitized for the purpose of streamlining and expediting the completion of mortgage packages for residential mortgages on Indian land (including the corresponding first certified title status reports and subsequent certified title status reports); and

(2) an estimate of the time and total cost necessary for Indian Tribes to digitize the records described in paragraph (1), in conjunction with assistance in that digitization from the Bureau.

SEC. 204. ESTABLISHMENT OF REALTY OMBUDSMAN POSITION.

(a) IN GENERAL.—The Director shall establish within the Division of Real Estate Services of the Bureau the position of Realty Ombudsman, who shall report directly to the Secretary of the Interior.

(b) FUNCTIONS.—The Realty Ombudsman shall—

(1) ensure that the applicable Bureau offices are meeting the mortgage review and processing deadlines established by section 203(a);

(2) ensure that the applicable Bureau offices comply with the notices required under subsections (a) and (b) of section 203;

(3) serve as a liaison to other Federal agencies, including by—

(A) ensuring the Bureau is responsive to all of the inquiries from the relevant Federal agencies; and

(B) helping to facilitate communications between the relevant Federal agencies and the Bureau on matters relating to mortgages on Indian land;

(4) receive inquiries, questions, and complaints directly from Indian Tribes, members of Indian Tribes, and lenders in regard to executed residential leasehold mortgages, business leasehold mortgages, land mortgages, or right-of-way documents; and

(5) serve as the intermediary between the Indian Tribes, members of Indian Tribes, and lenders and the Bureau in responding to inquiries and questions and resolving complaints.

TITLE III—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2022

SEC. 301. SHORT TITLE.

This title may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2022''.

SEC. 302. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

''(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

''(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

''(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

''(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

''(4) LIABILITY.—

''(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

''(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

''(i) the regulations issued pursuant to section 106; or

''(ii) such regulations as are issued by the other head.

''(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking ''2009 through 2013'' and inserting ''2023 through 2033''.

SEC. 304. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting ''including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,'' after ''self-sufficiency and other services,''.

SEC. 305. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting ''owned or operated by a recipient and'' after ''residing in a dwelling unit''.

SEC. 306. PROGRAM REQUIREMENTS.

Section 203(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)) (as amended by section 305) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraph (2) as paragraph (3);

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

''(2) APPLICATION OF TRIBAL POLICIES.—Paragraph (3) shall not apply if—

''(A) the recipient has a written policy governing rents and homebuyer payments charged for dwelling units; and

''(B) that policy includes a provision governing maximum rents or homebuyer payments, including tenant protections.''; and

(4) in paragraph (3) (as so redesignated), by striking ''In the case of'' and inserting ''In the absence of a written policy governing rents and homebuyer payments, in the case of''.

SEC. 307. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking ''$5,000'' and inserting ''$10,000''.

SEC. 308. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

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

(B) by adding at the end the following:

''(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and''; and

(2) in subsection (c)—

(A) by striking ''The provisions'' and inserting the following:

''(1) IN GENERAL.—The provisions''; and

(B) by adding at the end the following:

''(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.''.

SEC. 309. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

''(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.''.

SEC. 310. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

''SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

''Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

''Sec. 211. IHS sanitation facilities construction.''.

SEC. 311. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking ''may take an action described in paragraph (1)(C)'' and inserting ''may immediately take an action described in paragraph (1)(C)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) PROCEDURAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

''(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

''(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

''(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

''(II) to the maximum extent practicable, on an expedited basis.

''(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.''.

SEC. 312. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.''.

SEC. 313. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking ''**50-YEAR**'' and inserting ''**99-YEAR**'';

(2) in subsection (b), by striking ''50 years'' and inserting ''99 years''; and

(3) in subsection (c)(2), by striking ''50 years'' and inserting ''99 years''.

SEC. 314. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.''.

SEC. 315. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''such sums as may be necessary'' and all that follows through the period at the end and inserting ''such sums as may be necessary for each of fiscal years 2023 through 2033.''.

SEC. 316. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 317. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

''(1) DEFINITION.—In this subsection, the term 'tribally designated housing entity' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).''.

SEC. 318. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' and inserting a comma; and

(B) by inserting before the period at the end the following: '', Indian tribes, and tribally designated housing entities'';

(2) in subparagraph (B), by inserting '', Indian tribes, and tribally designated housing entities'' after ''organizations)'';

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

''(F) DEFINITIONS.—In this paragraph, the terms 'Indian tribe' and 'tribally designated housing entity' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

SEC. 319. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(4)) is amended by—

(1) redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking ''The loan'' and inserting the following:

''(A) IN GENERAL.—The loan'';

(3) in subparagraph (A), as so designated, by adding at the end the following:

''(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(4) by adding at the end the following:

''(B) DIRECT GUARANTEE PROCESS.—

''(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

''(ii) INDEMNIFICATION.—

''(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(C) REVIEW OF MORTGAGEES.—

''(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

''(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

''(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

''(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

''(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

''(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

''(aa) based on a comparison of any of the factors set forth in this subparagraph; or

''(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.''.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2023 through 2033.''; and

(2) in subparagraph (C), by striking ''2008 through 2012'' and inserting ''2023 through 2033''.

SEC. 320. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clause (iv) as clause (v); and

(B) by adding after clause (iii) the following:

''(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(2) in subsection (j)(5)(B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2023 through 2033.''.

SEC. 321. ASSISTANT SECRETARY FOR INDIAN HOUSING.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended—

(1) in section 4 (42 U.S.C. 3533)—

(A) in subsection (a)(1), by striking ''7'' and inserting ''8''; and

(B) in subsection (e)—

(i) by redesignating paragraph (2) as paragraph (4); and

(ii) by striking ''(e)(1)(A) There'' and all that follows through the end of paragraph (1) and inserting the following:

''(e)(1) There is established within the Department the Office of Native American Programs (in this subsection referred to as the 'Office') to be headed by an Assistant Secretary for Native American Programs (in this subsection referred to as the 'Assistant Secretary'), who shall be 1 of the Assistant Secretaries in subsection (a)(1).

''(2) The Assistant Secretary shall be responsible for—

''(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

''(B) administering the community development block grant program for Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the provision of assistance to Indian tribes under such Act;

''(C) directing, coordinating, and assisting in managing any regional offices of the Department that administer Indian programs to the extent of such programs; and

''(D) coordinating all programs of the Department relating to Indian and Alaska Native housing and community development.

''(3) The Secretary shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes in the United States and the activities of the Department, and extent of such activities, in meeting such needs.''; and

(2) in section 8 (42 U.S.C. 3536), by striking ''section 4(e)(2)'' and inserting ''section 4(e)(4)''.

SEC. 322. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term ''drug-related crime'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term ''recipient''—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2023 through 2033 to carry out this section.

SEC. 323. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

''(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

SEC. 324. LEVERAGING.

All funds provided under a grant made pursuant to this title or the amendments made by this title may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

TITLE IV—URBAN INDIAN HEALTH CONFER ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Urban Indian Health Confer Act''.

SEC. 402. URBAN INDIAN ORGANIZATION CONFER POLICY.

Section 514(b) of the Indian Health Care Improvement Act (25 U.S.C. 1660d) is amended to read as follows:

''(b) REQUIREMENT.—The Secretary shall ensure that the Service and the other agencies and offices of the Department confer, to the maximum extent practicable, with urban Indian organizations in carrying out—

''(1) this Act; and

''(2) other provisions of law relating to Indian health care.''.

TITLE V—TECHNICAL CORRECTION TO THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION WATER RIGHTS SETTLEMENT ACT OF 2022

SEC. 501. SHORT TITLE.

This title may be cited as the ''Technical Correction to the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act of 2022''.

SEC. 502. AUTHORIZATION OF PAYMENT OF ADJUSTED INTEREST ON DEVELOPMENT FUND.

Section 10807(b)(3) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1409) is amended—

(1) by striking ''There is'' and inserting the following:

''(A) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(B) ADJUSTED INTEREST PAYMENTS.—There is authorized to be appropriated to the Secretary for deposit into the Development Fund $5,124,902.12.''.

TITLE VI—NATIVE AMERICAN CHILD PROTECTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Native American Child Protection Act''.

SEC. 602. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT AMENDMENTS.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202 et seq.) is amended as follows:

(1) By amending section 403(3)(A) (25 U.S.C. 3202(3)(A)) to read as follows:

''(A) in any case in which—

''(i)(I) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling; and

''(II) such condition is not justifiably explained or may not be the product of an accidental occurrence; or

''(ii) a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;''.

(2) In section 409 (25 U.S.C. 3208)—

(A) in subsection (a)—

(i) by striking ''The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau'' and inserting ''The Service, in cooperation with the Bureau''; and

(ii) by striking ''sexual abuse'' and inserting ''abuse or neglect'';

(B) in subsection (b) through the end of the section, by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Service'';

(C) in subsection (b)(1), by inserting after ''Any Indian tribe or intertribal consortium'' the following: '', on its own or in partnership with an urban Indian organization,'';

(D) in subsections (b)(2)(B) and (d), by striking ''such Secretary'' each place it appears and inserting ''the Service'';

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

''(c) CULTURALLY APPROPRIATE TREATMENT.—In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.'';

(F) in subsection (d)(2), by striking ''the Secretary'' and inserting ''the Service'';

(G) by redesignating subsection (e) as subsection (f);

(H) by inserting after subsection (d) the following:

''(e) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Service shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Service requires.''; and

(I) by amending subsection (f) (as so redesignated by subparagraph (G) of this paragraph), to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2023 through 2028.''.

(3) In section 410 (25 U.S.C. 3209)—

(A) in the heading—

(i) by inserting ''**NATIONAL**'' before ''**INDIAN**''; and

(ii) by striking ''**CENTERS**'' and inserting ''**CENTER**'';

(B) by amending subsections (a) and (b) to read as follows:

''(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.

''(b) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the status of the National Indian Child Resource and Family Services Center.'';

(C) in subsection (c)—

(i) by striking ''Each'' and inserting ''The''; and

(ii) by striking ''multidisciplinary'';

(D) in subsection (d)—

(i) in the text before paragraph (1), by striking ''Each'' and inserting ''The'';

(ii) in paragraph (1), by striking ''and inter-tribal consortia'' and inserting ''inter-tribal consortia, and urban Indian organizations'';

(iii) in paragraph (2), by inserting ''urban Indian organizations,'' after ''tribal organizations,'';

(iv) in paragraph (3)—

(I) by inserting ''and technical assistance'' after training; and

(II) by striking ''and to tribal organizations'' and inserting '', Tribal organizations, and urban Indian organizations'';

(v) in paragraph (4)—

(I) by inserting '', State,'' after ''Federal''; and

(II) by striking ''and tribal'' and inserting ''Tribal, and urban Indian''; and

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

''(5) develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.''; and

(E) in subsection (e)—

(i) in the heading, by striking ''MULTIDISCIPLINARY TEAM'' and inserting ''TEAM'';

(ii) in the text before paragraph (1), by striking ''Each multidisciplinary'' and inserting ''The''; and

(F) by amending subsections (f), (g), and (h) to read as follows:

''(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.

''(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.—The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Determination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2023 through 2028.''.

(4) In section 411 (25 U.S.C. 3210)—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''abuse and child neglect'' and inserting ''abuse, neglect, or both'';

(II) in subparagraph (B), by striking ''and'' at the end; and

(III) by inserting after subparagraph (C), the following:

''(D) development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;

''(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

''(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in culturally appropriate ways'' after ''incidents of family violence''; and

(II) in subparagraph (C), by inserting ''that may include culturally appropriate programs'' after ''training programs''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting ''and neglect'' after ''abuse''; and

(II) in subparagraph (B), by striking ''cases, to the extent practicable,'' and inserting ''and neglect cases'';

(B) in subsection (f)—

(i) in paragraph (2), by striking ''develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare'' and inserting ''develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements'';

(ii) in paragraph (3)(D), by striking ''sexual abuse'' and inserting ''abuse and neglect, high incidence of family violence'';

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

''(4) The formula established pursuant to this subsection shall provide funding necessary to support not less than one child protective services or family violence caseworker, including fringe benefits and support costs, for each Indian Tribe.''; and

(iv) in paragraph (5), by striking ''tribes'' and inserting ''Indian Tribes'';

(C) by amending subsection (g) to read as follows:

''(g) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Secretary of the Interior requires.''; and

(D) by amending subsection (i) to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2023 through 2028.''.

TITLE VII—NATIVE AMERICAN DIRECT LOAN IMPROVEMENT ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Native American Direct Loan Improvement Act''.

SEC. 702. IMPROVEMENTS TO PROGRAM FOR DIRECT HOUSING LOANS MADE TO NATIVE AMERICAN VETERANS BY THE SECRETARY OF VETERANS AFFAIRS.

(a) DIRECT LOANS TO NATIVE AMERICAN VETERANS TO REFINANCE EXISTING MORTGAGE LOANS.—Section 3762(h)(1) of title 38, United States Code, is amended by inserting ''and existing mortgage loans'' after ''section''.

(b) EXPANSION OF OUTREACH PROGRAM ON AVAILABILITY OF DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS.—Section 3762(i)(2) of such title is amended by adding at the end the following new subparagraph:

''(G) Awarding grants to local service providers, such as tribal organizations, tribally designated housing entities, Native community development financial institutions, and nonprofit organizations, for conducting outreach, homebuyer education, housing counseling, risk mitigation, and other technical assistance as needed to assist Native American veterans seeking to qualify for mortgage financing.''.

(c) DEFINITIONS.—Section 3765 of such title is amended by adding at the end the following new paragraphs:

''(6) The term 'community development financial institution' has the meaning given

that term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

''(7) The term 'Native community development financial institution' means any entity—

''(A) that has been certified as a community development financial institution by the Secretary of the Treasury;

''(B) that is not less than 50 percent owned or controlled by Indians, Alaska natives, or native Hawaiians; and

''(C) for which not less than 50 percent of the activities of the entity serve Indians, Alaska natives, or native Hawaiians.

''(8) The term 'tribally designated housing entity' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

SEC. 703. PILOT PROGRAM ON RELENDING OF DIRECT HOUSING LOANS BY NATIVE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''Alaska Native'' has the meaning given the term ''Native'' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

(2) the term ''community development financial institution'' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702);

(3) the term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103);

(4) the term ''Native American veteran'' has the meaning given the term in section 3765 of title 38, United States Code;

(5) the term ''Native community development financial institution'' means an entity—

(A) that has been certified as a community development financial institution by the Secretary of the Treasury;

(B) that is not less than 50 percent owned or controlled by members of Indian Tribes, Alaska Native communities, or Native Hawaiian communities; and

(C) for which not less than 50 percent of the activities of the entity serve Indian Tribes, Alaska Native communities, or Native Hawaiian communities;

(6) the term ''Native Hawaiian'' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221);

(7) the term ''pilot program'' means the pilot program carried out under this section;

(8) the term ''priority Tribal land'' means—

(A) any land located within the boundaries of—

(i) an Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians; and

(9) the term ''qualified non-Native American veteran'' has the meaning given the term in section 3765 of title 38, United States Code.

(b) ESTABLISHMENT.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of making direct housing loans to Native community development financial institutions to allow such institutions to relend loan amounts to qualified Native American veterans and qualified non-Native American veterans.

(c) APPLICATION REQUIREMENTS.—A Native community development financial institution desiring a loan under the pilot program shall demonstrate that the institution—

(1) can provide the non-Federal cost share required under paragraph (6); and

(2) is able to originate and service loans for single family homes.

(d) LENDING REQUIREMENTS.—A Native community development financial institution that receives a loan pursuant to the pilot program shall—

(1) use those amounts to make loans to borrowers who—

(A) are members of an Indian Tribe, an Alaska Native community, or a Native Hawaiian community; or

(B) maintain a household in which not less 1 member is a member of an Indian Tribe, an Alaska Native community, or a Native Hawaiian community; and

(2) in making loans under paragraph (1), give priority to borrowers described in that paragraph who are residing on priority Tribal land.

(e) INTEREST RATE.—A loan made to a Native community development financial institution under the pilot program shall bear interest at a rate of 1 percent.

(f) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—A Native community development financial institution that receives a loan under the pilot program shall be required to match not less than 20 percent of the amount received.

(2) WAIVER.—In the case of a loan for which amounts are used to make loans to borrowers described in subsection (d)(2), the Secretary shall waive the non-Federal cost share requirement described in paragraph (1) with respect to those loan amounts.

(g) REPAYMENT.—A Native community development financial institution shall repay a loan made under the pilot program to the Secretary of Veterans Affairs.

(h) FUNDING.—Of amounts made available, for the fiscal year following the fiscal year in which this Act is enacted, for the program for direct housing loans for Native American veterans under subchapter V of chapter 37 of title 38, United States Code, the Secretary of Veterans Affairs may use $5,000,000 to carry out the pilot program.

TITLE VIII—SILETZ RESERVATION ACT AMENDMENT

SEC. 801. SILETZ RESERVATION ACT AMENDMENT.

Section 4 of Public Law 96–340 (commonly known as the ''Siletz Reservation Act'') (96 Stat. 1074) is amended to read as follows:

''SEC. 4. HUNTING, FISHING, TRAPPING, AND ANIMAL GATHERING.

''(a) DEFINITIONS.—In this section:

''(1) CONSENT DECREE.—The term 'Consent Decree' means the final judgment and decree of the United States District Court for the District of Oregon, in the action entitled 'Confederated Tribes of Siletz Indians of Oregon against State of Oregon', entered on May 2, 1980.

''(2) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(3) SILETZ AGREEMENT.—The term 'Siletz Agreement' means the agreement entitled 'Agreement Among the State of Oregon, the United States of America and the Confederated Tribes of the Siletz Indians of Oregon to Permanently Define Tribal Hunting, Fishing, Trapping, and Gathering Rights of the Siletz Tribe and its Members' and entered into by the United States on April 22, 1980.

''(b) HUNTING, FISHING, TRAPPING, AND ANIMAL GATHERING AGREEMENTS.—

''(1) IN GENERAL.—The Siletz Agreement shall remain in effect until and unless replaced, amended, or otherwise modified by 1 or more successor government-to-government agreements between the Confederated Tribes of Siletz Indians and the State of Oregon relating to the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians.

''(2) AMENDMENTS.—The Siletz Agreement or any successor agreement entered into under paragraph (1) may be amended from time to time by mutual consent of the Confederated Tribes of Siletz Indians and the State of Oregon.

''(c) JUDICIAL REVIEW.—In any action brought in the United States District Court for the District of Oregon to rescind, overturn, modify, or provide relief under Federal law from the Consent Decree, the United States District Court for the District of Oregon shall review the application of the parties on the merits without regard to the defense of res judicata or collateral estoppel.

''(d) EFFECT.—Nothing in this section enlarges, confirms, adjudicates, affects, or modifies any treaty or other right of an Indian Tribe.''.

TITLE IX—CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY

SEC. 901. CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY.

Subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(a)), is amended, in the second sentence, by inserting '', land held in trust for the Confederated Tribes of the Chehalis Reservation'' after ''Crow Tribe of Montana''.

TITLE X—AGUA CALIENTE LAND EXCHANGE FEE TO TRUST CONFIRMATION ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Agua Caliente Land Exchange Fee to Trust Confirmation Act''.

SEC. 1002. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—The approximately 2,560 acres of land owned by the Agua Caliente Band of Cahuilla Indians generally depicted as ''Lands to be Taken into Trust'' on the map entitled ''Agua Caliente Band of Cahuilla Indians Land to be Taken into Trust'' and dated November 17, 2021, is hereby taken into trust by the United States for the benefit of the Agua Caliente Band of Cahuilla Indians.

(b) LANDS PART OF RESERVATION.—Lands taken into trust by this section shall be part of the Tribe's reservation and shall be administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for an Indian Tribe.

(c) GAMING PROHIBITED.—Lands taken into trust by this section for the benefit of the

Agua Caliente Band of Cahuilla Indians shall not be eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

TITLE XI—NATIVE AMERICAN TOURISM GRANT PROGRAMS

SEC. 1101. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

The Native American Tourism and Improving Visitor Experience Act (25 U.S.C. 4351 et seq.) is amended—

(1) by redesignating section 6 (25 U.S.C. 4355) as section 7; and

(2) by inserting after section 5 (25 U.S.C. 4354) the following:

''SEC. 6. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

''(a) BUREAU OF INDIAN AFFAIRS PROGRAM.—The Director of the Bureau of Indian Affairs may make grants to and enter into agreements with Indian tribes and tribal organizations to carry out the purposes of this Act, as described in section 2.

''(b) OFFICE OF NATIVE HAWAIIAN RELATIONS.—The Director of the Office of Native Hawaiian Relations may make grants to and enter into agreements with Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

''(c) OTHER FEDERAL AGENCIES.—The heads of other Federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may make grants under this authority to and enter into agreements with Indian tribes, tribal organizations, and Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

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

TITLE XII—EXTENSION OF, AND ADDITIONAL SUPPORT FOR THE ACTIVITIES OF, THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF JUSTICE JOINT COMMISSION ON REDUCING VIOLENT CRIME AGAINST INDIANS

SEC. 1201. EXTENSION OF, AND ADDITIONAL SUPPORT FOR THE ACTIVITIES OF, THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF JUSTICE JOINT COMMISSION ON REDUCING VIOLENT CRIME AGAINST INDIANS.

(a) EXTENSION OF COMMISSION AND ACTIVITIES OF THE COMMISSION.—Section 4 of the Not Invisible Act of 2019 (Public Law 116–166; 134 Stat. 767) is amended—

(1) in subsection (c)(2)(B), by striking ''18 months after the enactment'' and inserting ''36 months after the date of enactment''; and

(2) in subsection (e), by striking ''2 years'' and inserting ''42 months''.

(b) ADDITIONAL SUPPORT FOR ACTIVITIES OF COMMISSION.—Section 4(b) of the Not Invisible Act of 2019 (Public Law 116–166; 134 Stat. 767) is amended—

(1) in the subsection heading, by inserting ''; OPERATION'' after ''MEMBERSHIP''; and

(2) by adding at the end the following:

''(7) FUNDING.—The Secretary of the Interior and the Attorney General shall contribute the funds necessary for the operation of the Commission.

''(8) GIFTS.—The Commission may accept and use gifts or donations of services or property from Indian tribes or Tribal entities, academic institutions, or other not-for-profit organizations as it considers necessary to carry out the duties of the Commission described in subsection (c).''.

SA 6580. Mr. HEINRICH (for Mr. VAN HOLLEN) proposed an amendment to the bill S. 1294, to authorize the imposition of sanctions with respect to foreign persons that have engaged in significant theft of trade secrets of United States persons, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting American Intellectual Property Act of 2022''.

SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO THEFT OF TRADE SECRETS OF UNITED STATES PERSONS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit to the appropriate congressional committees a report—

(A) identifying any foreign person the President determines, during the period specified in paragraph (2)—

(i) has knowingly engaged in, or benefitted from, significant theft of trade secrets of United States persons, if the theft of such trade secrets occurred on or after such date of enactment and is reasonably likely to result in, or has materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States;

(ii) has provided significant financial, material, or technological support for, or goods or services in support of or to benefit significantly from, such theft;

(iii) is an entity that is owned or controlled by, or that has acted or purported to act for or on behalf of, directly or indirectly, any foreign person identified under clause (i) or (ii); or

(iv) is a chief executive officer or member of the board of directors of any foreign entity identified under clause (i) or (ii);

(B) describing the nature, objective, and outcome of the theft of trade secrets each foreign person described in subparagraph (A)(i) engaged in or benefitted from; and

(C) assessing whether any chief executive officer or member of the board of directors described in clause (iv) of subparagraph (A) engaged in, or benefitted from, activity described in clause (i) or (ii) of that subparagraph.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is required to be submitted; and

(B) in the case of each subsequent report required by paragraph (1), the one-year period preceding the date on which the report is required to be submitted.

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

(b) AUTHORITY TO IMPOSE SANCTIONS.—

(1) SANCTIONS APPLICABLE TO ENTITIES.—In the case of a foreign entity identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under that subsection, the President shall impose 5 or more of the following:

(A) BLOCKING OF PROPERTY.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the entity if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INCLUSION ON ENTITY LIST.—The President may include the entity on the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations, for activities contrary to the national security or foreign policy interests of the United States.

(C) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the entity.

(D) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to the entity totaling more than $10,000,000 in any 12-month period unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(E) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the entity.

(F) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against the entity if the entity is a financial institution:

(i) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(ii) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under clause (i) or (ii) shall be treated as one sanction for purposes of this paragraph, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of this paragraph.

(G) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the entity.

(H) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the entity has any interest.

(I) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the entity.

(J) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the entity.

(K) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the entity.

(L) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the entity, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this paragraph.

(2) SANCTIONS APPLICABLE TO INDIVIDUALS.—In the case of an alien identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under that subsection, the following shall apply:

(A) BLOCKING OF PROPERTY.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the alien if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in subparagraph (A) of 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.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—An alien described in subparagraph (A) of 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 subclause (I) shall—

(aa) take effect pursuant to section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)); and

(bb) cancel any other valid visa or entry documentation that is in the alien's possession.

(c) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under subsection (b) 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) not more than 15 days after issuing the waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—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.

(e) EXCEPTIONS.—

(1) INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to any authorized law enforcement activities of the United States.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under this section shall 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.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(f) SUNSET.—This section shall terminate on the date that is 7 years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN; LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—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) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

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

(3) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(5) FOREIGN ENTITY.—The term ''foreign entity'' means an entity that is not a United States person.

(6) FOREIGN PERSON.—The term ''foreign person'' means any person that is not a United States person.

(7) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) PERSON.—The term ''person'' means an individual or entity.

(9) TRADE SECRET.—The term ''trade secret'' has the meaning given that term in section 1839 of title 18, United States Code.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 6581. Mr. HEINRICH (for Mr. CORNYN (for himself and Ms. KLOBUCHAR)) proposed an amendment to the bill S. 3946, to reauthorize the Trafficking Victims Protection Act of 2017, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Abolish Trafficking Reauthorization Act of 2022''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) COMPUTER.—The term ''computer'' includes a computer network and any interactive electronic device.

(2) CYBERCRIME AGAINST INDIVIDUALS.—The term ''cybercrime against individuals'' has the meaning given that term in section 1401(a) Violence Against Women Act Reauthorization Act of 2022 (34 U.S.C. 30107(a)).

(3) HOMELESS YOUTH.—The term ''homeless youth'' has the meaning given the term ''homeless children and youths'' in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

TITLE I—GRANTS RELATING TO HUMAN TRAFFICKING PREVENTION AND ASSISTANCE FOR VICTIMS OF HUMAN TRAFFICKING

SEC. 101. GRANTS FOR SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.

(a) IN GENERAL.—Section 111(c)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34

U.S.C. 20708(c)(1)) is amended by inserting '', which may include programs to build law enforcement capacity to identify and respond to human trafficking that are funded through the Office of Community Oriented Policing Services of the Department of Justice, such as the Interdiction for the Protection of Children Program'' before the semicolon.

(b) CONFORMING AMENDMENT.—Section 107(c)(4)(A) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(c)(4)(A)) is amended by inserting ''in order to fulfill the purposes described in section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20708)'' before the period at the end.

SEC. 102. TECHNICAL AND CLARIFYING UPDATE TO CIVIL REMEDY.

Section 1595(a) of title 18, United States Code, is amended by inserting ''or attempts or conspires to benefit,'' after ''whoever knowingly benefits,''.

SEC. 103. ENSURING PROTECTION AND CONFIDENTIALITY FOR SURVIVORS OF HUMAN TRAFFICKING.

The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''SEC. 114. ENSURING PROTECTION AND CONFIDENTIALITY FOR SURVIVORS OF HUMAN TRAFFICKING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered grant' means a grant from the Attorney General or the Secretary of Health and Human Services under section 106(b), 107(b), or 107(f); and

''(2) the term 'covered recipient' means a grantee or subgrantee receiving funds under a covered grant.

''(b) GRANT CONDITIONS.—Covered grants and covered recipients shall be subject, at the election of the Attorney General or the Secretary of Health and Human Services, as applicable, to—

''(1) the conditions under section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)) that apply with respect to grants under such Act and grantees and subgrantees for such grants; or

''(2) the conditions under section 306(c)(5) of the Family Violence Prevention and Services Act (42 U.S.C. 10406(c)(5)) that apply with respect to grants under such Act and grantees and subgrantees for such grants.

''(c) DEPARTMENT OF JUSTICE-SPONSORED RESEARCH.—Nothing in this section shall be construed to prohibit a covered recipient from sharing personally identifying information with researchers seeking the information for the purposes of conducting research—

''(1) that is funded by the Department of Justice;

''(2) for which protections are in place in accordance with the requirements under part 22 of title 28, Code of Federal Regulations, or any successor thereto, and section 812(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10231(a)); and

''(3) for which a current privacy certificate is on file documenting how the researchers intend to fulfill the obligations under such part 22.''.

SEC. 104. GRANTS FOR STATE IMPROVEMENTS.

(a) ENHANCING THE ABILITY OF STATE, LOCAL, AND TRIBAL CHILD WELFARE AGENCIES TO IDENTIFY AND RESPOND TO CHILDREN WHO ARE, OR ARE AT RISK OF BEING, VICTIMS OF TRAFFICKING.—

(1) IN GENERAL.—Title II of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20701 et seq.) is amended by inserting after section 204 the following:

''SEC. 204A. ENHANCING THE ABILITY OF STATE, LOCAL, AND TRIBAL CHILD WELFARE AGENCIES TO IDENTIFY AND RESPOND TO CHILDREN WHO ARE, OR ARE AT RISK OF BEING, VICTIMS OF TRAFFICKING.

''(a) GRANTS TO ENHANCE CHILD WELFARE SERVICES.—The Secretary of Health and Human Services may make grants to eligible States to develop, improve, or expand programs that assist State, local, or Tribal child welfare agencies with identifying and responding to—

''(1) children considered victims of 'child abuse and neglect' and of 'sexual abuse' under the application of section 111(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(b)(1)) because of being identified as being a victim or at risk of being a victim of a severe form of trafficking in persons; and

''(2) children over whom such agencies have responsibility for placement, care, or supervision and for whom there is reasonable cause to believe are, or are at risk of being a victim of 1 or more severe forms of trafficking in persons.

''(b) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained 18 years of age or such older age as the State has elected under section 475(8) of the Social Security Act (42 U.S.C. 675(8)). At the option of an eligible State, such term may include an individual who has not attained 26 years of age.

''(2) ELIGIBLE STATE.—The term 'eligible State' means a State that has not received more than 3 grants under this section and meets 1 or more of the following criteria:

''(A) ELIMINATION OF THIRD PARTY CONTROL REQUIREMENT.—The State has eliminated or will eliminate any requirement relating to identification of a controlling third party who causes a child to engage in a commercial sex act in order for the child to be considered a victim of trafficking or a victim of 1 or more severe forms of trafficking in persons for purposes of accessing child welfare services and care.

''(B) APPLICATION OF STANDARD FOR HUMAN TRAFFICKING.—The State considers a child to be a victim of trafficking if the individual is a victim of a severe form of trafficking in persons, as described in subparagraph (A) of section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)).

''(C) DEVELOPMENT AND IMPLEMENTATION OF STATE CHILD WELFARE PLAN PROTOCOLS.—The State agency responsible for administering the State plan for foster care and adoption assistance under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) has developed and is implementing or will develop and implement protocols that meet the following reporting requirements:

''(i) The requirement to report immediately, and in no case later than 24 hours after receiving, information on children who have been identified as being a victim of a severe form of trafficking in persons to law enforcement authorities under paragraph (34)(A) of section 471(a) of the Social Security Act (42 U.S.C. 671(a)).

''(ii) The requirement to report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to law enforcement authorities, including children classified as 'runaways', for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children, under paragraph (35)(B) of such section.

''(iii) The requirement to report to the Secretary of Health and Human Services the total number of children who are victims of child human trafficking under paragraph (34)(B) of such section.

''(D) TRAFFICKING-SPECIFIC PROTOCOL.—The State has developed and implemented or will develop and implement a specialized protocol for responding to a child who is, or is at risk of being, a trafficking victim to ensure the response focuses on the child's specific safety needs as a victim of trafficking, and that includes the development and use of an alternative mechanism for investigating and responding to cases of child human trafficking in which the alleged offender is not the child's parent or caregiver without utilizing existing processes for investigating and responding to other forms of child abuse or neglect that require the filing of an abuse or neglect petition.

''(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The term 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(4) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Such term includes an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B of the Social Security Act (42 U.S.C. 679c), or which is receiving funding to provide foster care under part E of title IV of such Act pursuant to a cooperative agreement or contract with a State.''.

(2) CONFORMING AMENDMENT.—The table of contents for the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 22 U.S.C. 7101 note) is amended by inserting after the item relating to section 204 the following:

''204A. Enhancing the ability of State, local, and Tribal child welfare agencies to identify and respond to children who are, or are at risk of being, victims of trafficking.''.

(b) FUNDING.—Section 113(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(b)) is amended by adding at the end the following:

''(3) GRANTS FOR STATE IMPROVEMENTS.—To carry out the purposes of section 204A of the Trafficking Victims Protection Reauthorization Act of 2005, there are authorized to be appropriated $4,000,000 to the Secretary of Health and Human Services for each of fiscal years 2022 through 2027.''.

(c) SENSE OF CONGRESS REGARDING HEALTH CARE PROFESSIONALS AND TRAFFICKING PREVENTION.—It is the sense of Congress that health care and social service licensing boards and professional membership associations should facilitate access to trafficking-specific training guided by the Department of Health and Human Service's Core Competencies for Human Trafficking Response in Health Care and Behavioral Health Systems on—

(1) the scope and signs of human trafficking and child sexual abuse that present in the applicable health care, behavioral health, or social services settings;

(2) how to interact with potential victims of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and with survivors of human trafficking, using an age-appropriate, gender-responsive, culturally and linguistically appropriate, and trauma-informed approach; and

(3) the manner in which to respond to victims and potential victims of trafficking or child sexual exploitation and abuse.

SEC. 105. ADDITIONAL REAUTHORIZATION.

(a) AIRPORT PERSONNEL TRAINING TO IDENTIFY AND REPORT HUMAN TRAFFICKING VICTIMS.—Section 303 of the Frederick Douglass

Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Public Law 115–425; 132 Stat. 5488) is amended by striking ''2018 through 2021'' and inserting ''2022 through 2027''.

(b) HERO CORPS HIRING.—Section 890A(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 473(g)(2)) is amended by striking ''2019 through 2022'' and inserting ''2022 through 2027''.

(c) REAUTHORIZING THE SPECIAL ASSESSMENT AND ENSURING FULL FUNDING FOR THE DOMESTIC TRAFFICKING VICTIMS' FUND.—Section 3014 of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''and ending on December 16, 2022''; and

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2027'';

(B) in subparagraph (A), by striking ''(42 U.S.C. 14044c)'' and inserting ''(34 U.S.C. 20705)'';

(C) in subparagraph (C), by striking ''(42 U.S.C. 13002(b))'' and inserting ''(34 U.S.C. 20304)''; and

(D) in subparagraph (D), by striking ''(42 U.S.C. 17616)'' and inserting ''(34 U.S.C. 21116)''.

(d) EXTENSION OF ANTI-TRAFFICKING GRANT PROGRAMS.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended—

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4)), by striking ''2018 through 2021'' and inserting ''2022 through 2027'';

(2) in section 112B(d) (22 U.S.C. 7109b(d)) is amended by striking ''2008 through 2011'' and inserting ''2022 through 2027''; and

(3) in section 113 (22 U.S.C. 7110)—

(A) in subsection (b)(2), by striking ''2018 through 2021'' and inserting ''2022 through 2027'';

(B) in subsection (d)(3), by striking ''2018 through 2021'' and inserting ''2022 through 2027''; and

(C) in subsection (e)(3), by striking ''2008 through 2011'' and inserting ''2022 through 2027''.

(e) GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.—Section 628(d) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20985(d)) is amended by striking ''fiscal years 2007 through 2010'' and inserting ''fiscal years 2022 through 2027''.

SEC. 106. REDESIGNATIONS.

(a) GRANTS FOR SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.—Section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20708) is redesignated as section 208 of the Trafficking Victims Protection Reauthorization Act of 2005 and transferred so as to appear after section 207 of the Trafficking Victims Protection Reauthorization Act of 2005.

(b) ADDITIONAL PROVISIONS.—

(1) JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015.—Sections 114, 119, and 606 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20709, 20710, 20711) are redesignated as sections 209, 210, and 211, respectively, of the Trafficking Victims Protection Reauthorization Act of 2005 and transferred so as to appear after section 208 of the Trafficking Victims Protection Reauthorization Act of 2005, as so redesignated and transferred by subsection (a) of this section.

(2) ABOLISH HUMAN TRAFFICKING ACT OF 2017.—Section 7 of the Abolish Human Trafficking Act of 2017 (34 U.S.C. 20709a) is redesignated as section 212 of the Trafficking Victims Protection Reauthorization Act of 2005 and transferred so as to appear after section 211 of the Trafficking Victims Protection Reauthorization Act of 2005, as so redesignated and transferred by paragraph (1) of this subsection.

(3) TRAFFICKING VICTIMS PROTECTION ACT OF 2017.—Sections 501 and 504 of the Trafficking Victims Protection Act of 2017 (34 U.S.C. 20709b, 20709c) are redesignated as sections 213 and 214, respectively, of the Trafficking Victims Protection Reauthorization Act of 2005 and transferred so as to appear after section 212 of the Trafficking Victims Protection Reauthorization Act of 2005, as so redesignated and transferred by paragraph (2) of this subsection.

TITLE II—COMPENSATION OF VICTIMS OF HUMAN TRAFFICKING

SEC. 201. BANKRUPTCY.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (18), by striking ''or'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (19) the following:

''(20) for injury to an individual by the debtor relating to a violation of chapter 77 of title 18, including injury caused by an instance in which the debtor knowingly benefitted financially, or by receiving anything of value, from participation in a venture that the debtor knew or should have known engaged in an act in violation of chapter 77 of title 18.''.

TITLE III—CYBER HARASSMENT PREVENTION

Subtitle A—Cybercrime Statistics

SEC. 311. NATIONAL STRATEGY, CLASSIFICATION, AND REPORTING ON CYBERCRIME.

(a) NATIONAL STRATEGY.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop a national strategy, which shall be developed to supplement, not duplicate, the National Strategy to Combat Human Trafficking and the National Strategy for Child Exploitation Prevention and Interdiction of the Department of Justice, to—

(1) reduce the incidence of cybercrimes against individuals;

(2) coordinate investigations of cybercrimes against individuals by Federal law enforcement agencies; and

(3) increase the number of Federal prosecutions of cybercrimes against individuals.

(b) REPORTING ON CYBERCRIME TAXONOMY.—Section 3(c) of the Better Cybercrime Metrics Act (34 U.S.C. 30109 note) is amended, in the matter preceding paragraph (1), by inserting '', which shall include the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives,'' after ''committees of Congress''.

Subtitle B—Prioritizing Online Threat Enforcement

SEC. 321. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO CYBERCRIMES AGAINST INDIVIDUALS.

Subject to the availability of appropriations to carry out this section, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security, including the Executive Associate Director of Homeland Security Investigations, shall, with respect to cybercrimes against individuals—

(1) ensure that there are not fewer than 10 additional operational agents of the Federal Bureau of Investigation designated to support the Criminal Division of the Department of Justice in the investigation and coordination of cybercrimes against individuals;

(2) ensure that each office of a United States Attorney designates at least 1 Assistant United States Attorney as responsible for investigating and prosecuting cybercrimes against individuals; and

(3) ensure the implementation of a regular and comprehensive training program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to cybercrimes against individuals; and

(B) that includes relevant forensic training related to investigating and prosecuting cybercrimes against individuals.

SEC. 322. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date on which the National Academy of Sciences submits the report required under section 3(c) of the Better Cybercrime Metrics Act (34 U.S.C. 30109 note), and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.) for victims of cybercrimes against individuals.

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

(1) an analysis of victims' assistance, victims' compensation, and discretionary grants under which victims of cybercrimes against individuals received assistance; and

(2) recommendations for improving services for victims of cybercrimes against individuals.

SEC. 323. INFORMATION SHARING.

(a) RECIPROCAL INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle I of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 481 et seq.) is amended—

(A) by striking sections 895 through 899; and

(B) by adding at the end the following:

''SEC. 895. RECIPROCAL INFORMATION SHARING.

''Acting in accordance with a bilateral or multilateral arrangement, the Secretary, in the Secretary's discretion and on the basis of reciprocity, may provide information from the National Sex Offender Registry relating to a conviction for a sex offense against a minor (as such terms are defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911)) to a foreign government upon the request of the foreign government, and may receive comparable information from the foreign government.''.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the items relating to sections 895 through 899 and inserting the following:

''Sec. 895. Reciprocal information sharing.''.

(3) RULE OF CONSTRUCTION.—Nothing in the amendments made by this subsection shall be construed to effect the amendments made by sections 895 through 899 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2256).

(b) CLARIFICATION WITH RESPECT TO CONTINUING REGISTRATION.—Section 240(b) of William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212b(b)) is amended by adding at the end the following:

''(3) CLARIFICATION WITH RESPECT TO CONTINUING REGISTRATION.—An individual may not be issued or reissued a passport without a unique identifier solely because the individual has moved or otherwise resides outside the United States.''.

SEC. 324. TRAINING AND TECHNICAL ASSISTANCE FOR STATES.

The Attorney General, in consultation with the Secretary of Homeland Security, the Director of the United States Secret Service, the Executive Associate Director of Homeland Security Investigations, and nongovernmental and survivor stakeholders, shall create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(1) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(A) physical, sexual, and psychological abuse of cybercrime victims, including victims of human trafficking that is facilitated by interactive computer services;

(B) exploitation of cybercrime victims; and

(C) deprioritization of cybercrime; and

(2) assessing, addressing, and mitigating the physical and psychological trauma to victims of cybercrime.

TITLE IV—OTHER FEDERAL IMPROVEMENTS RELATING TO HUMAN TRAFFICKING

SEC. 401. CYBERCRIME.

Subject to the availability of appropriations, and in accordance with the comparable level of the General Schedule, the Attorney General and the Secretary of Homeland Security shall provide incentive pay, in an amount that is not more than 25 percent of the basic pay of the individual, to an individual appointed to a position in the Department of Justice (including the Federal Bureau of Investigation) or the Department of Homeland Security (including positions in Homeland Security Investigations), respectively, requiring significant cyber skills, including to aid in—

(1) the protection of trafficking victims;

(2) the prevention of trafficking in persons; or

(3) the prosecution of technology-facilitated crimes against children by buyers or traffickers in persons.

SEC. 402. ELIMINATION OF BARRIERS.

(a) MINORS.—A Federal agency may not require a survivor of human trafficking who is less than 18 years of age or a homeless youth to obtain the consent or signature of the parent or guardian of the survivor or homeless youth to receive a copy of a Government-issued identity card issued to the survivor or homeless youth.

(b) FEES.—A Federal agency may not charge a survivor of human trafficking or a homeless youth a fee to obtain a copy of a Government-issued identity card issued to the survivor or homeless youth.

SEC. 403. TIP ORGANIZATIONS.

Section 524(c)(1) of title 28, United States Code, is amended—

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

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

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

''(J) at the discretion of the Attorney General, payments to reimburse operating expenses and program costs incurred by crime-tip organizations that—

''(i) annually waive their qualification for—

''(I) awards for information leading to forfeiture under subparagraph (C); and

''(II) receiving payment from equitably shared forfeiture funds; and

''(ii) offer rewards for information about violations of Federal criminal laws prohibiting human trafficking.''.

SEC. 404. DATA COLLECTION.

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (Q)—

(A) in clause (vii), by adding ''and'' at the end; and

(B) in clause (viii), by striking ''and'' at the end;

(2) in subparagraph (R), by striking ''and'' at the end;

(3) in the first subparagraph (S), as added by section 121(a) of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Public Law 115–425; 132 Stat. 5478), by striking the period at the end and inserting a semicolon;

(4) by redesignating the second subparagraph (S), as added by section 7154(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 113 Stat. 2260), as subparagraph (T);

(5) in subparagraph (T), as so redesignated, by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(U) with respect to applications described in subparagraph (B), (C), (D), or (F), when available, if the application was denied, the reason for the denial and the length of time it took for the denial to be issued; and

''(V) disaggregated data regarding—

''(i) the number of victims trafficked by third parties and by family members;

''(ii) victims trafficked by victim age; and

''(iii) victims trafficked by the type of trafficking.''.

SEC. 405. CUMULATIVE BIENNIAL REPORT ON DATA COLLECTION AND STATISTICS.

Not later than 280 days after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of Health and Human Services shall each submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives the status of the required data collection and reporting requirements of the Attorney General and the Secretary, respectively, related to trafficking, which shall include the status of—

(1) the study required under section 201(a)(1)(B)(ii) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20701(a)(1)(B)(ii));

(2) the State reports required under section 237(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (34 U.S.C. 41309(b)) to be included in the Uniform Crime Reporting Program and the National Incident-Based Reporting System;

(3) the report required under section 237(c)(1)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5084);

(4) the report required under section 237(c)(1)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5084);

(5) the report required under section 237(c)(1)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5084); and

(6) the comprehensive study required under section 237(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5085).

SEC. 406. FORCED LABOR REQUIREMENTS.

(a) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall establish a team of not less than 10 agents within the Federal Bureau of Investigation to be assigned to exclusively investigate labor trafficking.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $2,000,000 for each of fiscal years 2022 to 2027, to remain available until expended.

(b) DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security shall establish a team of not less than 10 agents within the Center for Countering Human Trafficking of the Department of Homeland Security to be assigned to exclusively investigate labor trafficking.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $2,000,000 for each of fiscal years 2022 to 2027, to remain available until expended.

SA 6582. Mr. HEINRICH (for Mr. DURBIN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 4859, to reauthorize the Project Safe Neighborhoods Grant Program Authorization Act of 2018, and for other purposes; as follows:

On page 3, line 12, strike ''(34 U.S.C. 60703)'' and insert ''(34 U.S.C. 60703(b))''.

On page 4, after line 5, add the following:

SEC. 4. TASK FORCE SUPPORT.

(a) SHORT TITLE.—This section may be cited as the ''Officer Ella Grace French and Sergeant Jim Smith Task Force Support Act of 2022''.

(b) AMENDMENT.—Section 4(b) of the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (34 U.S.C. 60703(b)), as amended by section 3(b), is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) support for multi-jurisdictional task forces.''.

SA 6583. Mr. HEINRICH (for Mr. GRASSLEY (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 3949, to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trafficking Victims Prevention and Protection Reauthorization Act of 2022''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs To Support Young Victims Who Are Vulnerable To Human Trafficking

SEC. 101. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

(a) IN GENERAL.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) is amended by adding at the end the following:

"SEC. 429A. GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary, in collaboration with the Attorney General and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice—

''(1) to make grants to State child welfare and juvenile justice agencies and child- and youth-serving agencies to collaborate in the collection of data relating to dual status youth; and

''(2) to develop practices, policies, and protocols—

''(A) to confront the challenges presented and experienced by dual status youth; and

''(B) for the development of interoperable data systems.

''(b) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, from amounts reserved under section 423(a)(2) for a fiscal year, the Secretary shall award competitive grants jointly to a State child welfare agency and a State juvenile justice agency to facilitate or enhance collaboration between the child welfare and juvenile justice systems of the State in order to carry out programs to address the needs of dual status youth and their families.

''(2) LENGTH OF GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a grant shall be awarded under this section for a period of not less than 2 fiscal years and not more than 5 fiscal years.

''(B) EXTENSION OF GRANT.—Upon the application of the grantee, the Secretary may extend the period for which a grant is awarded under this section for not more than 2 fiscal years.

''(c) ADDITIONAL REQUIREMENTS.—

''(1) APPLICATION.—In order for a State to be eligible for a grant under this section, the State shall submit an application, subject to the approval of the Secretary, that includes—

''(A) a description of the proposed leadership collaboration group (including the membership of such group), and how such group will manage and oversee a review and analysis of current practices while working to jointly address enhanced practices to improve outcomes for dual status youth;

''(B) a description of how the State proposes—

''(i) to identify dual status youth;

''(ii) to identify individuals who are at risk of becoming dual status youth;

''(iii) to identify common characteristics shared by dual status youth in the State; and

''(iv) to determine the prevalence of dual status youth in the State;

''(C) a description of current and proposed practices and procedures that the State intends to use—

''(i) to screen and assess dual status youth for risks and treatment needs;

''(ii) to provide targeted and evidence-based services, including educational, behavioral health, and pro-social treatment interventions for dual status youth and their families; and

''(iii) to provide for a lawful process to enhance or ensure the abilities of the State and any relevant agencies to share information and data about dual status youth, while maintaining confidentiality and privacy protections under Federal and State law; and

''(D) a certification that the State has involved local governments, as appropriate, in the development, expansion, modification, operation, or improvement of proposed policy and practice reforms to address the needs of dual status youth.

''(2) NO SUPPLANTATION OF OTHER FUNDS.—Any amounts paid to a State under a grant under this section shall be used to supplement and not supplant other State expenditures on dual status youths or children involved with either the child welfare or juvenile justice systems.

''(3) EVALUATION.—Up to 10 percent of the amount made available to carry out this section for a fiscal year shall be made available to the Secretary to evaluate the effectiveness of the projects funded under this section, using a methodology that—

''(A) includes random assignment whenever feasible, or other research methods that allow for the strongest possible causal inferences when random assignment is not feasible; and

''(B) generates evidence on the impact of specific projects, or groups of projects with identical (or similar) practices and procedures.

''(4) REPORT.—A State child welfare agency and a State juvenile justice agency receiving a grant under this section shall jointly submit to the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, a report on the evaluation of the activities carried out under the grant at the end of each fiscal year during the period of the grant. Such report shall include—

''(A) a description of the scope and nature of the dual status youth population in the State, including the number of dual status youth;

''(B) a description of the evidence-based practices and procedures used by the agencies to carry out the activities described in clauses (i) through (iii) of paragraph (1)(C); and

''(C) an analysis of the effects of such practices and procedures, including information regarding—

''(i) the collection of data related to individual dual status youths;

''(ii) aggregate data related to the dual status youth population, including—

''(I) characteristics of dual status youths in the State;

''(II) case processing timelines; and

''(III) information related to case management, the provision of targeted services, and placements within the foster care or juvenile justice system; and

''(iii) the extent to which such practices and procedures have contributed to—

''(I) improved educational outcomes for dual status youths;

''(II) fewer delinquency referrals for dual status youths;

''(III) shorter stays in intensive restrictive placements for dual status youths; or

''(IV) such other outcomes for dual status youths as the State child welfare agency and State juvenile justice agency may identify.

''(d) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may support State child welfare agencies and State juvenile justice agencies by offering a program, developed in consultation with organizations and agencies with subject matter expertise, of training and technical assistance to assist such agencies in developing programs and protocols that draw on best practices for serving dual status youth in order to facilitate or enhance—

''(1) collaboration between State child welfare agencies and State juvenile justice agencies; and

''(2) the effectiveness of such agencies with respect to working with Federal agencies and child welfare and juvenile justice agencies from other States.

''(e) REPORT.—Not later than 3 years after the date of enactment of this section, and every 3 years thereafter, the Secretary, the Attorney General, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall jointly submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives, a report on the grants provided under this section.

''(f) DEFINITIONS.—In this section:

''(1) DUAL STATUS YOUTH.—The term 'dual status youth' means a child who has come into contact with both the child welfare and juvenile justice systems and occupies various statuses in terms of the individual's relationship to such systems.

''(2) LEADERSHIP COLLABORATION GROUP.—The term 'leadership collaboration group' means a group composed of senior officials from the State child welfare agency, the State juvenile justice agency, and other relevant youth and family-serving public agencies and private organizations, including, to the extent practicable, representatives from the State judiciary branch.

''(3) STATE JUVENILE JUSTICE AGENCY.—The term 'State juvenile justice agency' means the agency of the State or Indian tribe responsible for administering grant funds

awarded under the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.).

''(4) STATE CHILD WELFARE AGENCY.—The term 'State child welfare agency' means the State agency responsible for administering the program under this subpart, or, in the case of a tribal organization that is receiving payments under section 428, the tribal agency responsible for administering such program.''.

(b) CONFORMING AMENDMENTS.—Section 423(a) of such Act (42 U.S.C. 623(a)) is amended—

(1) by striking ''The sum appropriated'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the sum appropriated''; and

(2) by adding at the end the following:

''(2) GRANTS TO STATES TO ENHANCE COLLABORATION BETWEEN STATE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS.—For each fiscal year beginning with fiscal year 2023 for which the amount appropriated under section 425 for the fiscal year exceeds $270,000,000—

''(A) the Secretary shall reserve from such excess amount such sums as are necessary for making grants under section 429A for such fiscal year; and

''(B) the remainder to be applied under paragraph (1) for purposes of making allotments to States for such fiscal year shall be determined after the Secretary first allots $70,000 to each State under such paragraph and reserves such sums under subparagraph (A) of this paragraph.''.

SEC. 102. ELIMINATION OF SUNSET FOR ADVISORY COUNCIL ON HUMAN TRAFFICKING.

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22) is amended by striking subsection (h).

SEC. 103. PILOT PROGRAM FOR YOUTH AT HIGH RISK OF BEING TRAFFICKED.

Section 202(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20702(b)) is amended by adding at the end the following:

''(5) PILOT DEMONSTRATION PROGRAM.—

''(A) ESTABLISHMENT.—The Assistant Attorney General, in consultation with the Assistant Secretary, shall establish a pilot demonstration program, through which community-based organizations in underserved communities, prioritizing rural communities, in the United States may apply for funding to develop, implement, and build replicable treatment models, based on the type of housing unit that the individual being treated lives in, with supportive services and innovative care, treatment, and services.

''(B) POPULATION TO BE SERVED.—The program established pursuant to subparagraph (A) shall primarily serve adolescents and youth who—

''(i) are transitioning out of foster care;

''(ii) struggle with substance use disorder;

''(iii) are pregnant or parenting; or

''(iv) have experienced foster care involvement or involvement in the child welfare system, child poverty, child abuse or neglect, human trafficking, juvenile justice involvement, gang involvement, or homelessness.

''(C) AUTHORIZED ACTIVITIES.—Funding provided under subparagraph (A) may be used for—

''(i) providing residential care, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response;

''(iii) providing clothing and other daily necessities needed to keep individuals from returning to living on the street;

''(iv) case management services;

''(v) mental health counseling, including specialized counseling and substance abuse treatment;

''(vi) legal services;

''(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking and labor trafficking victims on issues related to the sex trafficking and labor trafficking of minors; and

''(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking and labor trafficking of minors.

''(D) FUNDING PRIORITY.—The Assistant Attorney General shall give funding priority to community-based programs that provide crisis stabilization, emergency shelter, and addiction treatment for adolescents and transitional age residential programs that have reputable outcomes.''.

Subtitle B—Governmental Efforts To Prevent Human Trafficking

SEC. 121. COMPTROLLER GENERAL REPORT ON OVERSIGHT OF FEDERAL SUPPLY CHAINS.

(a) IN GENERAL.—Not later than June 1, 2024, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Federal contract supply chain oversight related to the prevention of trafficking in persons.

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

(1) The compliance of Federal agencies with the requirement under section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104b(c)(1)) to refer to suspension and debarment officials allegations of trafficking in persons activities on the part of contract, grant, and cooperative agreement recipients.

(2) The compliance of Federal agencies with the requirement to include the contract clause regarding combating trafficking in persons provided for under section 222.50 of the Federal Acquisition Regulation (or successor regulations).

(3) Federal agency enforcement and monitoring activities related to ensuring the compliance of Federal contractors and subcontractors with the annual certification requirements under such section 222.50.

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

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 122. ENSURING ANTI-TRAFFICKING-IN-PERSONS TRAININGS AND PROVISIONS INTO CODES OF CONDUCT OF ALL FEDERAL DEPARTMENTS AND EXECUTIVE AGENCIES.

(a) FINDINGS.—Congress finds the following:

(1) Human trafficking is inimical to every Federal agency's core values and inherently harmful and dehumanizing.

(2) Through the adoption of a Code of Conduct, Federal agencies hold their personnel to similar standards that are required of contractors and subcontractors of the agency under Federal law.

(3) Human trafficking is a violation of human rights and against Federal law.

(4) The United States Government seeks to deter activities that would facilitate or support trafficking in persons.

(b) SENSE OF CONGRESS ON IMPLEMENTATION OF ANTI-TRAFFICKING-IN-PERSONS POLICIES.—It is the sense of Congress that—

(1) beginning not later than 18 months after the date of the enactment of this Act, the head of every Federal agency should incorporate a module on human trafficking into its staff training requirements and menu of topics to be covered in the annual ethics training of such agency;

(2) such staff trainings should teach employees how to prevent, identify, and report trafficking in persons;

(3) Federal agencies that already provide counter trafficking-in-persons training for staff should share their curricula with agencies that do not have such curricula;

(4) the head of each agency should inform all candidates for employment about the anti-trafficking provisions in the Code of Conduct of the agency;

(5) employees of each Federal agency should sign acknowledgment of the agency's Code of Conduct, which should be kept in the file of the employee; and

(6) a violation of the Code of Conduct should lead to disciplinary action, up to and including termination of employment.

(c) POLICY FOR EXECUTIVE BRANCH EMPLOYEES.—The President shall take such steps as may be necessary to ensure that each officer and employee (including temporary employees, persons stationed abroad while working for the United States, and detailees from other agencies of the Federal Government) of an agency in the executive branch of the Federal Government is subject to a policy with a minimum standard that contains—

(1) a prohibition from engaging in human trafficking while employed by the Government in a full-time or part-time capacity;

(2) a requirement that all Federal personnel, without regard to whether the person is stationed abroad, be sensitized to human trafficking and the ethical conduct requirements that prohibit the procurement of trafficking in persons;

(3) a requirement that all such personnel be equipped with the necessary knowledge and tools to prevent, recognize, report, and address human trafficking offenses through a training for new personnel and through regular refresher courses offered every 2 years; and

(4) a requirement that all such personnel report to the applicable inspector general and agency trafficking in persons point of contact any suspected cases of misconduct, waste, fraud, or abuse relating to trafficking in persons.

(d) TIMING.—The policy described in subsection (c)—

(1) shall be established or integrated into all applicable employee codes of conduct not later than 18 months after the date of the enactment of this Act;

(2) may not replace any preexisting code of conduct that contains more robust requirements than the requirements described in subsection (c); and

(3) shall be signed by all personnel described in subsection (c) not later than 2 years after such date of enactment.

(e) REPORTING.—The Office of Inspector General of a Federal department or agency, in consultation with the head of such agency, shall submit an annual report to Congress, which shall be publicly accessible, containing—

(1) the number of suspected violations reported;

(2) the number of investigations;

(3) the status and outcomes of such investigations; and

(4) any recommended actions to improve the programs and operations of such agency.

SEC. 123. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ACCESSIBILITY OF MENTAL HEALTH SERVICES AND SUBSTANCE USE DISORDER SERVICES.

Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the accessibility of mental health services and substance use disorder treatment and recovery for survivors of human trafficking in the United States of various ages; and

(2) submit a report to Congress containing the findings of such study and recommendations for increased accessibility and affordability for survivors of trafficking.

SEC. 124. NSF SUPPORT OF RESEARCH ON IMPACTS OF SOCIAL MEDIA ON HUMAN TRAFFICKING.

(a) DEFINITIONS.—In this section:

(1) HUMAN TRAFFICKING.—The term ''human trafficking'' means an act or practice described in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)).

(2) SOCIAL MEDIA PLATFORM.—The term ''social media platform'' means a website or internet medium that—

(A) permits a person to become a registered user, establish an account, or create a profile for the purpose of allowing users to create, share, and view user-generated content through such an account or profile;

(B) enables 1 or more users to generate content that can be viewed by other users of the medium; and

(C) primarily serves as a medium for users to interact with content generated by other users of the medium.

(b) SUPPORT OF RESEARCH.—The Director of the National Science Foundation, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of Health and Human Services, shall support merit-reviewed and competitively awarded research on the impact of online social media platforms on the maintenance or expansion of human trafficking, which may include—

(1) fundamental research on digital forensic tools or other technologies for verifying the authenticity of social media platform users and their materials, that are utilized in the promotion or operation of human trafficking networks;

(2) fundamental research on privacy preserving technical tools that may aid law enforcement's ability to identify and prosecute individuals or entities promoting or involved in human trafficking;

(3) social and behavioral research related to social media platform users who engage with those promoting or involved in human trafficking;

(4) research on the effectiveness of expanding public understanding, awareness, or law enforcement efforts in combating human trafficking through social media platforms; and

(5) research awards coordinated with other Federal agencies and programs, including the Information Integrity Research and Development Interagency Working Group and the Privacy Research and Development Interagency Working Group of the Networking and Information Technology Research and Development Program, the Office for Victims of Crime of the Department of Justice, the Blue Campaign of the Department of Homeland Security, the Office to Monitor and Combat Trafficking in Persons of the Department of State, and activities of the Department of Transportation and the Advisory Committee on Human Trafficking.

(c) SURVIVORS.—To the extent possible, the Director of the National Science Foundation shall ensure that research supported under subsection (b) incorporates the experiences, input, and safety and privacy concerns of human trafficking survivors.

(d) REPORTS.—

(1) FINDINGS AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives—

(A) the Director's findings with respect to the feasibility for research opportunities, including with the private sector social media platform companies, to improve the ability to combat human trafficking operations; and

(B) any recommendations of the Director that could facilitate and improve communication and coordination among the private sector, the National Science Foundation, and relevant Federal agencies to improve the ability to combat human trafficking operations through social media.

(2) RESULTS OF RESEARCH.—Not later than 4 years after the date of enactment of this Act, the Director of the National Science Foundation shall report to the Committee on Commerce, Science, and Transportation of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives on the results of the research supported under this section.

Subtitle C—Monitoring Child, Forced, and Slave Labor

SEC. 131. TRANSPARENCY IN ANTI-TRAFFICKING EXPENDITURES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than October 1 of each of the following 5 years, the head of each Federal department or agency to which amounts are appropriated for the purpose of awarding grants for anti-trafficking in persons, and the head of each Federal department and agency contributing to the annual congressional earmark for counter-trafficking in persons, shall publish on the public website of the department or agency, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds for the purpose of combating human trafficking and forced labor; and

(2) subject to subsection (b), and with respect to each such obligation or expenditure, the name of a primary recipient, and any subgrantees, and their project location, activity, award amounts, and award periods.

(b) EXCEPTION FOR SECURITY CONCERNS.—If the head of a Federal department or agency determines that a primary recipient or subgrantee for purposes of subsection (a) has a security concern—

(1) the award recipients shall not be publicly identified pursuant to subsection (a)(2); and

(2) only the activity, award amounts, and award periods shall be publicly listed pursuant to such subsection.

SEC. 132. SENSE OF CONGRESS REGARDING UNITED STATES COMPANIES ADOPTING COUNTER-TRAFFICKING-IN-PERSONS POLICIES.

It is the sense of Congress that—

(1) companies headquartered or doing business in the United States that are not small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) should adopt a written policy not later than 18 months after the date of the enactment of this Act that—

(A) prohibits trafficking in persons;

(B) is published annually; and

(C) is accessible in a prominent place on their public website; and

(2) such policy should expressly prohibit the company, its employees, or agents from—

(A) engaging in human trafficking;

(B) using forced labor for the development, production, shipping, or sale of its goods or services;

(C) destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;

(D) using misleading or fraudulent practices during the recruitment of employees or offering of employment, such as—

(i) failing to disclose, in a format and language understood by the employee or potential employee, basic information; or

(ii) making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including—

(I) wages and fringe benefits;

(II) the location of work;

(III) the living conditions;

(IV) housing and associated costs (if employer- or agent-provided or arranged);

(V) any significant costs to be charged to the employee or potential employee; and

(VI) the hazardous nature of the work, if applicable;

(E) using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;

(F) providing or arranging housing that fails to meet the host country housing and safety standards; and

(G) failing to provide an employment contract, recruitment agreement, or other required work document—

(i) in writing—

(I) in a language the employee understands; or

(II) along with an independent interpreter if the document cannot be provided in a language the employee understands;

(ii) not later than 5 days before the employee relocates, if relocation is required to perform the work; and

(iii) that includes details about work description, wages, work locations, living accommodations and associated costs, time off, round-trip transportation arrangements, grievance processes, and the content of applicable laws and regulations that prohibit trafficking in persons.

SEC. 133. AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

Section 111(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(b)(1)) is amended by striking ''a victim of'' and all that follows and inserting ''a victim of 'child abuse and neglect' and of 'sexual abuse' if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of human trafficking.''.

SEC. 134. SENSE OF CONGRESS REGARDING TIMELY SUBMISSION OF DEPARTMENT OF JUSTICE REPORTS.

It is the sense of Congress that—

(1) the Department of Justice has failed to meet its reporting requirements under title IV of the Trafficking Victims Protection Act of 2017 (34 U.S.C. 10101 et seq.); and

(2) progress on critical data collection about human trafficking and crime reporting are in jeopardy as a result of such failure and must be addressed immediately.

SEC. 135. SENSE OF CONGRESS ON CRITERIA FOR CLASSIFYING VICTIMS OF CHILD SEX TRAFFICKING.

It is the sense of Congress that—

(1) all States (including the District of Columbia) and territories should evaluate whether to eliminate the requirement for third-party control to properly qualify a child as a victim of sex trafficking, to—

(A) aid in the identification and prevention of child sex trafficking;

(B) protect children; and

(C) appropriately prosecute perpetrators to the fullest extent of the law; and

(2) a person is qualified as a victim of child sex trafficking if the person is a victim, as a child, of human trafficking.

SEC. 136. MISSING AND ABDUCTED FOSTER CHILDREN AND YOUTH.

It is the sense of Congress that—

(1) each State child welfare agency should—

(A) prioritize developing and implementing protocols to comply with section 471(a)(35) of the Social Security Act (42 U.S.C. 671(a)(35)), as amended by section 137; and

(B) report the information the agency receives about missing or abducted foster children and youth to the National Center on Missing and Exploited Children and to law enforcement authorities for inclusion in the Federal Bureau of Investigation's National Crime Information Center database, in accordance with section 471(a)(34) of the Social Security Act (42 U.S.C. 671(a)(34));

(2) the reports described in paragraph (1)(B)—

(A) should be made immediately (and in no case later than 24 hours) after the information is received; and

(B) were required to be provided to the Secretary of Health and Human Services beginning on September 30, 2016; and

(3) according to section 471(a)(34) of such Act, each State child welfare agency was required to submit annual reports to the Secretary of Health and Human Services beginning on September 30, 2017, to notify the Secretary of the total number of children and youth who are victims of human trafficking.

SEC. 137. MODIFICATION TO STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) STATE PLAN AMENDMENT.—Section 471(a)(35)(B) of the Social Security Act (42 U.S.C. 671(a)(35)(B)) is amended by striking the semicolon at the end and inserting the following: ''(referred to in this subparagraph as ''NCMEC''), and that the State agency shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery, and that the State report submitted to law enforcement agencies and NCMEC shall include where reasonably possible—

''(i) a photo of the missing or abducted child or youth;

''(ii) a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and

''(iii) endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors;''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. EXTENSION OF AUTHORIZATIONS UNDER THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''To carry out the purposes of sections 106(b) and 107(b),'' and inserting ''To carry out the purposes of sections 106(b) and 107(b) of this Act and section 429A of the Social Security Act,''; and

(B) in paragraph (2), by striking ''2018 through 2021'' and inserting ''2023 through 2028'';

(2) in subsection (d)(3), by striking ''$11,000,000 to the Attorney General for each of the fiscal years 2018 through 2021'' and inserting ''$11,000,000 to the Attorney General for each of the fiscal years 2023 through 2028'';

(3) in subsection (f), by striking ''2018 through 2021.'' and inserting ''2023 through 2028''; and

(4) in subsection (i)—

(A) by striking ''2018 through 2021'' and inserting ''2023 through 2028''; and

(B) by inserting ''of which $2,000,000 shall be made available each fiscal year for the establishment of a labor trafficking investigation team within the Department of Homeland Security Center for Countering Human Trafficking, and the remaining funds shall be used'' after ''expended,''.

SEC. 202. IMPROVING ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.

There is authorized to be appropriated $20,000,000, for each of fiscal years 2023 through 2028, to the Commissioner of U.S. Customs and Border Protection to strengthen the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

SA 6584. Mr. HEINRICH (for Mr. REED) proposed an amendment to the bill S. 4120, to maximize discovery, and accelerate development and availability of promising childhood cancer treatments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Childhood Cancer Survivorship, Treatment, Access, and Research Reauthorization Act of 2022'' or the ''Childhood Cancer STAR Reauthorization Act''.

SEC. 2. REAUTHORIZING AND IMPROVING THE CHILDHOOD STAR ACT.

(a) CHILDREN'S CANCER BIOREPOSITORIES.—Section 417E of the Public Health Service Act (42 U.S.C. 285a–11) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by inserting before the period at the end of the second sentence the following: '', such as collected samples of both solid tumor cancer and paired samples'';

(B) in paragraph (9), by striking ''Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018'' and inserting ''Childhood Cancer Survivorship, Treatment, Access, and Research Reauthorization Act of 2022'';

(C) by redesignating paragraph (10) as paragraph (11); and

(D) by inserting after paragraph (9) the following:

''(10) REPORT ON RESEARCHER ACCESS TO CHILDREN'S CANCER BIOREPOSITORY SAMPLES.—Not later than 2 years after the date of enactment of the Childhood Cancer Survivorship, Treatment, Access, and Research Reauthorization Act of 2022, the Director of NIH shall—

''(A) conduct a review of the procedures established under paragraph (2)(C) and other policies or procedures related to researcher access to such biospecimens to identify any opportunities to reduce administrative burden, consistent with paragraph (2)(D), in a manner that protects personal privacy to the extent required by applicable Federal and State privacy law, at a minimum; and

''(B) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the review under subparagraph (A) and whether the Director of NIH plans to make any changes to the policies or procedures considered in such review, based on such findings.''; and

(2) in subsection (d), by striking ''2019 through 2023'' and inserting ''2024 through 2028''.

(b) CANCER SURVIVORSHIP PROGRAMS.—Section 201 of the Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018 (Public Law 115–180) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''PILOT PROGRAMS TO EXPLORE'' and inserting ''RESEARCH TO EVALUATE''

(B) in paragraph (1)—

(i) by striking ''may make awards to eligible entities to establish pilot programs'' and inserting ''shall, as appropriate, make awards to eligible entities to conduct or support research'';

(ii) by striking ''model systems'' and inserting ''approaches'';

(iii) by inserting ''and adolescent'' after ''childhood''; and

(iv) by striking ''evaluation of models for'';

(C) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting ''within the existing peer review process,'' after ''practicable,''; and

(ii) in subparagraph (B)(v), by striking ''in treating survivors of childhood cancers'' and inserting ''in carrying out the activities described in paragraph (1)''; and

(D) in paragraph (3)(B)(v), by striking ''design of systems for the effective transfer of treatment information and care summaries from cancer care providers to other health care providers'' and inserting ''design tools

to support the secure electronic transfer of treatment information and care summaries between health care providers or, as applicable and appropriate, longitudinal childhood cancer survivorship cohorts''; and

(2) in subsection (b)—

(A) in each of paragraphs (1) and (2), by striking ''date of enactment of this Act'' and inserting ''date of enactment of the Childhood Cancer Survivorship, Treatment, Access, and Research Reauthorization Act of 2022''; and

(B) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by adding at the end the following:

''(B) recommendations for enhancing or promoting activities of the Department of Health and Human Services related to workforce development for health care providers who provide psychosocial care to pediatric cancer patients and survivors.''.

SA 6585. Ms. CANTWELL (for herself, Mr. LUJÁN, Mr. SCHATZ, Ms. KLOBUCHAR, and Mr. HICKENLOOPER) submitted an amendment intended to be proposed by her to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION KK—COMMUNICATIONS AND TECHNOLOGY

SEC. 1. SHORT TITLE.

This division may be cited as the ''Spectrum Auction Reauthorization Act of 2022''.

TITLE I—SPECTRUM INNOVATION

SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.

(a) 3.1–3.45 GHZ BAND.—

(1) DEFINITIONS.—Section 90008(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) is amended—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by inserting after paragraph (2) the following:

''(3) FEDERAL ENTITY.—The term 'Federal entity' has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).''; and

(C) by adding at the end the following:

''(5) RELOCATION OR SHARING COSTS.—The term 'relocation or sharing costs' has the meaning given such term in section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)).

''(6) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Communications and Information.''.

(2) PROMOTING WIRELESS INNOVATION.—Section 90008(b) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking ''for shared Federal and non-Federal commercial licensed use; and'' and inserting ''for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and'';

(ii) in subparagraph (B)—

(I) by striking ''Section'' and inserting the following:

''(i) IN GENERAL.—Section'';

(II) in clause (i), as so designated, by striking ''the payment required under subparagraph (A)'' and inserting ''payments made under subparagraph (A) before December 23, 2022''; and

(III) by adding at the end the following:

''(ii) ACCOUNTING PLAN.—The Secretary of Defense shall submit a report to the Secretary of Commerce and the Director of the Office of Management and Budget not later than 90 days after the date of enactment of this clause, in accordance with section 118(g)(2)(D)(i)(I) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(D)(i)(I)), describing the activities for which the Department of Defense has used, is using, and will use payments made under subparagraph (A) before December 23, 2022. The Secretary of Commerce, acting through the Under Secretary, and the Director of the Office of Management and Budget shall continuously review and provide an accounting of the activities carried out using the payments made under subparagraph (A).'';

(iii) by amending subparagraph (C) to read as follows:

''(C) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense, in coordination with the heads of other relevant Federal agencies who receive funds under subparagraph (D) of this paragraph, shall, not later than September 30, 2023, report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph, and detail frequencies in the covered band for identification by the Secretary of Commerce under paragraph (2).''; and

(iv) by adding at the end the following:

''(D) ADDITIONAL PAYMENTS.—

''(i) IN GENERAL.—Federal entities with operations in the covered band that did not receive a payment under subparagraph (A) and that the Under Secretary determines might be affected by reallocation of the covered band may request a payment under section 118(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(A)) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. Total awards under this clause shall not exceed $25,000,000.

''(ii) EXEMPTIONS.—Subparagraphs (C)(ii) and (D)(ii) of section 118(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)) shall not apply with respect to a payment made under clause (i).

''(E) COOPERATION.—The Under Secretary and the Department of Defense Chief Information Officer will serve as co-chairs of the Partnering to Advance Trusted and Holistic Spectrum Solutions (PATHSS) Task Group.'';

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

''(2) IDENTIFICATION.—

''(A) IN GENERAL.—Not later than June 15, 2025, informed by the report required under paragraph (1)(C), the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that identifies 350 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

''(B) DETERMINATION IN CASE OF RISK TO NATIONAL SECURITY.—If the Secretary of Defense believes reallocation of the frequencies identified by the Secretary of Commerce under subparagraph (A) poses an unacceptable risk to the national security of the United States, the Secretary of Defense shall inform the President, as the Commander in Chief under Article II, Section 2 of the United States Constitution, and the President shall make a final determination regarding which frequencies could feasibly be reallocated for the purposes of that subparagraph.'';

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

''(3) AUCTION.—

''(A) IN GENERAL.—Not later than January 15, 2028, the Commission, in coordination with the Under Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under such paragraph as suitable for a system of competitive bidding.

''(B) PROHIBITION.—No entity that produces or provides any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)), or any affiliate (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) of such an entity, may participate in the system of competitive bidding required by subparagraph (A).

''(C) SCOPE.—The Commission may not include in the system of competitive bidding required by subparagraph (A) any frequencies that are not in the covered band.''; and

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

''(4) MODIFICATION OR WITHDRAWAL OF FEDERAL ENTITY LICENSES.—

''(A) IN GENERAL.—The President, acting through the Under Secretary, shall—

''(i) begin the process of modifying or withdrawing any assignment to a Federal Government station of the frequencies identified under paragraph (2) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph not later than December 15, 2027; and

''(ii) not later than 30 days after completing any necessary withdrawal or modification under clause (i), notify the Commission that the withdrawal or modification is complete.

''(B) LIMITATIONS.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A)—

''(i) unless the President determines that such modification or withdrawal will not pose an unacceptable risk to the national security of the United States; and

''(ii) before November 30, 2024.''.

(b) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''September 30, 2025,'' and all that follows and inserting ''September 30, 2026, and with respect to the electromagnetic spectrum identified as suitable for a system of competitive bidding under section 90008(b)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note), such authority shall expire on the date that is 7 years after November 15, 2021.''.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1004 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is amended—

(A) in subsection (a), by striking ''2022'' and inserting ''2024'';

(B) in subsection (b)(1), by striking ''2022'' and inserting ''2024''; and

(C) in subsection (c)(1)(B), by striking ''2024'' and inserting ''2026''.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter or impede the activities authorized to be conducted using the payment required by section 90008(b)(1)(A) of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135

Stat. 1348; 47 U.S.C. 921 note), as such section was in effect on the day before the date of the enactment of this Act, if the Under Secretary of Commerce for Communications and Information determines that such activities are conducted in accordance with section 90008 of the Infrastructure Investment and Jobs Act, as amended by this section. Nothing in this subsection shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).

(d) SAVINGS CLAUSE.—Nothing in this section, or any amendment made by this section, shall be construed to alter the authorities of the Under Secretary of Commerce for Communications and Information in the spectrum management process as provided in the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.).

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

SEC. 201. INCREASE IN LIMITATION ON EXPENDITURE.

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

TITLE III—NEXT GENERATION 9–1–1

SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF NEXT GENERATION 9–1–1.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

''SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) DUTIES OF UNDER SECRETARY WITH RESPECT TO NEXT GENERATION 9–1–1.—

''(1) IN GENERAL.—The Under Secretary, after consulting with the Administrator, shall—

''(A) take actions, in coordination with State points of contact described under subsection (c)(3)(A)(ii) as applicable, to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

''(B) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (c)(3)(A)(iii);

''(D) provide technical assistance to eligible entities provided a grant under subsection (c) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

''(E) review and approve or disapprove applications for grants under subsection (c); and

''(F) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(2) ANNUAL REPORTS.—Not later than October 1, 2023, and each year thereafter until funds made available to make grants under subsection (c) are no longer available to be expended, the Under Secretary shall submit to Congress a report on the activities conducted by the Under Secretary under paragraph (1) in the year preceding the submission of the report.

''(3) ASSISTANCE.—The Under Secretary may seek the assistance of the Administrator in carrying out the duties described in subparagraphs (A) through (D) of paragraph (1) as the Under Secretary determines necessary.

''(b) ADDITIONAL DUTIES.—

''(1) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Under Secretary, after consulting with the Administrator, shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the Under Secretary shall—

''(i) submit the management plan developed under subparagraph (A) to—

''(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives;

''(ii) publish the management plan on the website of the National Telecommunications and Information Administration; and

''(iii) provide the management plan to the Administrator for the purpose of publishing the management plan on the website of the National Highway Traffic Safety Administration.

''(2) MODIFICATION OF PLAN.—

''(A) MODIFICATION.—The Under Secretary, after consulting with the Administrator, may modify the management plan developed under paragraph (1)(A).

''(B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Under Secretary shall—

''(i) submit the modified plan to—

''(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives;

''(ii) publish the modified plan on the website of the National Telecommunications and Information Administration; and

''(iii) provide the modified plan to the Administrator for the purpose of publishing the modified plan on the website of the National Highway Traffic and Safety Administration.

''(c) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) GRANTS.—The Under Secretary shall provide grants to eligible entities for—

''(A) implementing Next Generation 9–1–1;

''(B) maintaining Next Generation 9–1–1;

''(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed—

''(i) 3 percent of the total grant award for eligible entities that are not Tribes; and

''(ii) 5 percent of the total grant award for eligible entities that are Tribes;

''(D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;

''(E) administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—

''(i) the cost is fully documented in materials submitted to the Under Secretary; and

''(ii) the cost is reasonable, necessary, and does not exceed—

''(I) 1 percent of the total grant award for eligible entities that are not Tribes; and

''(II) 2 percent of the total grant award for eligible entities that are Tribes;

''(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.

''(2) APPLICATION.—In providing grants under paragraph (1), the Under Secretary, after consulting with the Administrator, shall require an eligible entity to submit to the Under Secretary an application, at the time and in the manner determined by the Under Secretary, and containing the certification required by paragraph (3).

''(3) COORDINATION REQUIRED.—Each eligible entity shall include in the application required by paragraph (2) a certification that—

''(A) in the case of an eligible entity that is a State, the entity—

''(i) has coordinated the application with the emergency communications centers located within the jurisdiction of the entity;

''(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such officer or governmental body with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and

''(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

''(I) ensures interoperability by requiring the use of commonly accepted standards;

''(II) ensures reliability;

''(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

''(IV) incorporates cybersecurity tools, including intrusion detection and prevention measures;

''(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

''(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

''(VII) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

''(VIII) includes a governance body or bodies, either by creation of new, or use of existing, body or bodies, for the development and deployment of Next Generation 9–1–1 that—

''(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

''(bb) consults and coordinates with the State point of contact required by clause (ii);

''(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

''(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

''(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

''(bb) avoiding risk of a single point of failure or vulnerability; and

''(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

''(B) in the case of an eligible entity that is a Tribe, the Tribe has complied with clauses (i) and (iii) of subparagraph (A).

''(4) CRITERIA.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Under Secretary, after consulting with the Administrator, shall issue rules, after providing the public with notice and an opportunity to comment, prescribing the criteria for selecting eligible entities for grants under this subsection.

''(B) REQUIREMENTS.—The criteria shall—

''(i) include performance requirements and a schedule for completion of any project to

be financed by a grant under this subsection; and

''(ii) specifically permit regional or multi-State applications for funds.

''(C) UPDATES.—The Under Secretary shall update such rules as necessary.

''(5) GRANT CERTIFICATIONS.—Each eligible entity shall certify to the Under Secretary at the time of application for a grant under this subsection, and each eligible entity that receives such a grant shall certify to the Under Secretary annually thereafter during any period of time the funds from the grant are available to the eligible entity, that—

''(A) beginning on the date that is 180 days before the date on which the application is filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or in the case that the eligible entity is not a State or Tribe, any State or taxing jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) are obligated or expended for a purpose or function not designated under the rules issued pursuant to section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as such rules are in effect on the date on which the eligible entity makes the certification) as acceptable;

''(B) any funds received by the eligible entity will be used, consistent with paragraph (1), to support the deployment of Next Generation 9–1–1 that ensures reliability and interoperability, by requiring the use of commonly accepted standards;

''(C) the eligible entity (or in the case that the eligible entity is not a State or Tribe, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years following the date on which the grant funds are distributed to the eligible entity—

''(i) a sustainable funding mechanism for Next Generation 9–1–1; and

''(ii) effective cybersecurity resources for Next Generation 9–1–1;

''(D) the eligible entity will promote interoperability between emergency communications centers deploying Next Generation 9–1–1 and emergency response providers, including users of the nationwide public safety broadband network;

''(E) the eligible entity has or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

''(F) the eligible entity has developed a plan for public outreach and education on how the public can best use Next Generation 9–1–1 and on the capabilities and usefulness of Next Generation 9–1–1.

''(6) CONDITION OF GRANT.—Each eligible entity shall agree, as a condition of receipt of a grant under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds fails to comply with a certification required under paragraph (5), during any period of time during which the funds from the grant are available to the eligible entity, all of the funds from such grant shall be returned to the Under Secretary.

''(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under this subsection;

''(B) return any grant awarded under this subsection; and

''(C) not be eligible to receive any subsequent grants under this subsection.

''(8) PROHIBITION.—Grant funds provided under this subsection may not be used—

''(A) to support any activity of the First Responder Network Authority; or

''(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

''(d) DEFINITIONS.—In this section and sections 160 and 161:

''(1) 9–1–1 FEE OR CHARGE.—The term '9–1–1 fee or charge' has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

''(2) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term '9–1–1 request for emergency assistance' means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to an emergency communications center for the purpose of requesting emergency assistance.

''(3) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

''(4) COMMONLY ACCEPTED STANDARDS.—The term 'commonly accepted standards' means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

''(A) enable interoperability; and

''(B) are—

''(i) developed and approved by a standards development organization that is accredited by an American standards body (such as the American National Standards Institute) or an equivalent international standards body in a process—

''(I) that is open to the public, including open for participation by any person; and

''(II) provides for a conflict resolution process;

''(ii) subject to an open comment and input process before being finalized by the standards development organization;

''(iii) consensus-based; and

''(iv) made publicly available once approved.

''(5) COST RELATED TO THE TRAINING.—The term 'cost related to the training' means—

''(A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;

''(B) travel expenses;

''(C) instructor expenses; or

''(D) facility costs and training materials.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means—

''(i) a State or a Tribe; or

''(ii) an entity, including a public authority, board, or commission, established by one or more entities described in clause (i); and

''(B) does not include any entity that has failed to submit the certifications required under subsection (c)(5).

''(7) EMERGENCY COMMUNICATIONS CENTER.—

''(A) IN GENERAL.—The term 'emergency communications center' means—

''(i) a facility that—

''(I) is designated to receive a 9–1–1 request for emergency assistance; and

''(II) performs one or more of the functions described in subparagraph (B); or

''(ii) a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(B) FUNCTIONS DESCRIBED.—The functions described in this subparagraph are the following:

''(i) Processing and analyzing 9–1–1 requests for emergency assistance and information and data related to such requests.

''(ii) Dispatching appropriate emergency response providers.

''(iii) Transferring or exchanging 9–1–1 requests for emergency assistance and information and data related to such requests with one or more other emergency communications centers and emergency response providers.

''(iv) Analyzing any communications received from emergency response providers.

''(v) Supporting incident command functions.

''(8) EMERGENCY RESPONSE PROVIDER.—The term 'emergency response provider' has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

''(9) FIRST RESPONDER NETWORK AUTHORITY.—The term 'First Responder Network Authority' means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

''(10) INTEROPERABILITY.—The term 'interoperability' means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information and data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information and data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

''(11) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term 'nationwide public safety broadband network' has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

''(12) NEXT GENERATION 9–1–1.—The term 'Next Generation 9–1–1' means an Internet Protocol-based system that—

''(A) ensures interoperability;

''(B) is secure;

''(C) employs commonly accepted standards;

''(D) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

''(E) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

''(F) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

''(13) RELIABILITY.—The term 'reliability' means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1 including through the use of geo-diverse, device- and network-agnostic elements that provide more than one route between end points with no common points where a single failure at that point would cause all to fail.

''(14) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

''(15) SUSTAINABLE FUNDING MECHANISM.—The term 'sustainable funding mechanism' means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

''(16) TRIBE.—The term 'Tribe' has the meaning given to the term 'Indian Tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

''The Under Secretary, after consulting with the Administrator and the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, shall establish a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next Generation 9–1–1.

"SEC. 161. NEXT GENERATION 9–1–1 ADVISORY BOARD.

''(a) NEXT GENERATION 9–1–1 ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish a 'Public Safety Next Generation 9–1–1 Advisory Board' (in this section referred to as the 'Board') to provide recommendations to the Under Secretary—

''(A) with respect to carrying out the duties and responsibilities of the Under Secretary in issuing the regulations required under section 159(c);

''(B) as required by paragraph (7); and

''(C) upon request under paragraph (8).

''(2) MEMBERSHIP.—

''(A) VOTING MEMBERS.—Not later than 150 days after the date of the enactment of this section, the Under Secretary shall appoint 16 public safety members to the Board, of which—

''(i) 4 members shall represent local law enforcement officials;

''(ii) 4 members shall represent fire and rescue officials;

''(iii) 4 members shall represent emergency medical service officials; and

''(iv) 4 members shall represent 9–1–1 professionals.

''(B) DIVERSITY OF MEMBERSHIP.—Members shall be representatives of State or Tribes and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States.

''(C) EXPERTISE.—All members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9–1–1 services.

''(D) RANK AND FILE MEMBERS.—In making the appointments required by subparagraph (A), the Under Secretary shall appoint a rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of subparagraph (A) as a member of the Board and shall select such member from an organization that represents its public safety discipline at the national level.

''(3) PERIOD OF APPOINTMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Board shall serve for a 3-year term.

''(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Under Secretary.

''(4) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

''(5) QUORUM.—A majority of the members of the Board shall constitute a quorum.

''(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the voting members of the Board.

''(7) DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.—Not later than 120 days after all members of the Board are appointed under paragraph (2), the Board shall submit to the Under Secretary recommendations for—

''(A) deploying Next Generation 9–1–1 in rural and urban areas;

''(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

''(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

''(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(c)(3)(A)(iii); and

''(E) incorporating existing cybersecurity resources to Next Generation 9–1–1 procurement and deployment.

''(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Under Secretary only upon request of the Under Secretary.

''(9) DURATION OF AUTHORITY.—The Board shall terminate on the date on which funds made available to make grants under section 159(c) are no longer available to be expended.

''(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Under Secretary to seek comment from stakeholders and the public.''.

TITLE IV—INCUMBENT INFORMING CAPABILITY

SEC. 401. INCUMBENT INFORMING CAPABILITY.

(a) IN GENERAL.—Part B of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

"SEC. 120. INCUMBENT INFORMING CAPABILITY.

''(a) IN GENERAL.—The Under Secretary shall—

''(1) not later than 120 days after the date of the enactment of this section, begin to amend the Department of Commerce spectrum management document entitled 'Manual of Regulations and Procedures for Federal Radio Frequency Management' so as to incorporate an incumbent informing capability; and

''(2) not later than 90 days after December 31, 2022, begin to implement such capability, including the development and testing of such capability.

''(b) ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.—

''(1) IN GENERAL.—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

''(2) REQUIREMENTS.—The system required by paragraph (1) shall contain, at a minimum, the following:

''(A) One or more mechanisms (that shall include interfaces to commerce sharing systems, as appropriate) to allow non-Federal use in covered spectrum, as authorized by the rules of the Commission.

''(B) One or more mechanisms to facilitate Federal-to-Federal sharing, as authorized by the NTIA.

''(C) One or more mechanisms to prevent, eliminate, or mitigate harmful interference to and from incumbent Federal entities, including one or more of the following functions:

''(i) Sensing.

''(ii) Identification.

''(iii) Reporting.

''(iv) Analysis.

''(v) Resolution.

''(D) Dynamic coordination area analysis, definition, and control, if appropriate for a band.

''(3) COMPLIANCE WITH COMMISSION RULES.—The incumbent informing capability required by subsection (a) shall ensure that use of covered spectrum is in accordance with the applicable rules of the Commission.

''(4) INPUT OF INFORMATION.—Each incumbent Federal entity sharing a band of covered spectrum shall—

''(A) input into the system required by paragraph (1) such information as the Under Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and

''(B) to the extent practicable, input such information into such system on an automated basis.

''(5) PROTECTION OF CLASSIFIED INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.—

''(A) IN GENERAL.—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or controlled unclassified information that relates to military operations.

''(B) MECHANISM.—The Under Secretary shall develop a mechanism—

''(i) for information sharing between classified and unclassified databases; and

''(ii) to address issues of aggregate classification challenges.

''(6) CONSULTATION.—

''(A) FEDERAL AGENCIES.—The Under Secretary shall consult with the heads of other relevant Federal agencies on the development, testing, and implementation of the incumbent informing capability to ensure consideration of the operational and mission requirements of those Federal agencies.

''(B) STAKEHOLDER FEEDBACK.—The Under Secretary shall solicit stakeholder feedback from Federal and non-Federal users of the incumbent informing capability, including on—

''(i) how best to mitigate risks to incumbent Federal users and missions;

''(ii) which mitigation measures could enable secondary access by non-Federal users to avoid operational impact; and

''(iii) a process for incumbent Federal users to share complaints or report harmful mission impact, including how the impact to Federal missions would be assessed.

''(c) BRIEFING.—Not later than December 16, 2023, and annually thereafter, the Under Secretary shall provide a briefing on the implementation and operation of the incumbent informing capability to—

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

''(2) the Committee on Energy and Commerce of the House of Representatives.

''(d) DEFINITIONS.—In this section:

''(1) COVERED SPECTRUM.—The term 'covered spectrum' means—

''(A) electromagnetic spectrum for which usage rights are assigned to or authorized for (including before the date on which the incumbent informing capability required by subsection (a) is implemented) a non-Federal user or class of non-Federal users for use on a shared basis with an incumbent Federal entity in accordance with the rules of the Commission; and

''(B) electromagnetic spectrum allocated on a primary or co-primary basis for Federal use that is shared among Federal entities.

''(2) FEDERAL ENTITY.—The term 'Federal entity' has the meaning given such term in section 113(l).

''(3) INCUMBENT INFORMING CAPABILITY.—The term 'incumbent informing capability' means a capability to facilitate the sharing of covered spectrum.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).''.

(b) FUNDING.—On the date of the enactment of this Act, the Director of the Office of Management and Budget shall transfer $120,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the National Telecommunications and Information Administration for the purpose of establishing the incumbent informing capability under section 120 of such Act, as added by subsection (a).

TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

SEC. 501. EXTENSION OF FCC AUCTION AUTHORITY.

(a) SUPERSESSION OF SHORT EXTENSION.—Section 901 of division O of this Act shall have no force or effect.

(b) EXTENSION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''December 23, 2022'' and inserting ''December 31, 2025''.

TITLE VI—SPECTRUM AUCTION TRUST FUND

SEC. 601. DEPOSIT OF PROCEEDS.

(a) COVERED AUCTION DEFINED.—In this title, the term ''covered auction'' means a system of competitive bidding—

(1) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this division, that commences during the period beginning on December 23, 2022, and ending on December 31, 2025;

(2) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this division, for the band of frequencies between 3100 megahertz and 3450 megahertz, inclusive; or

(3)(A) that involves a band of frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)); or

(B) with respect to which the Federal Communications Commission shares with a licensee a portion of the proceeds, as described in paragraph (8)(G) of such section 309(j).

(b) DEPOSIT OF PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), (D), and (G)(iii) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) and except as provided in subparagraph (B) of such section, the proceeds (including deposits and upfront payments from successful bidders) from any covered auction shall be deposited or available as follows:

(1) In the case of proceeds attributable to eligible frequencies described in subsection (g)(2) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923), such amount of such proceeds as is necessary to cover 110 percent of the relocation or sharing costs (as defined in subsection (g)(3) of such section) of Federal entities (as defined in subsection (l) of such section) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928). Any remaining proceeds after making the deposit described in this paragraph shall be deposited in accordance with section 602 of this division.

(2) In the case of proceeds attributable to spectrum usage rights made available through an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), such amount of such proceeds as the Federal Communications Commission has agreed to share with licensees under such subparagraph shall be shared with such licensees. Any remaining proceeds after making the deposit described in this paragraph shall be deposited in accordance with section 602 of this division.

(3) Any remaining proceeds after carrying out paragraphs (1) and (2) shall be deposited in accordance with section 602 of this division.

SEC. 602. SPECTRUM AUCTION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Spectrum Auction Trust Fund'' (in this section referred to as the ''Fund'') for the purposes described in subparagraphs (A) through (E) of subsection (c)(1). Amounts deposited in the Fund shall remain available until expended.

(b) DEFICIT REDUCTION.—

(1) PROCEEDS OF REQUIRED AUCTION OF 3.1-3.45 GHZ BAND.—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law—

(A) the first $17,300,000,000 of the proceeds of systems of competitive bidding required under section 90008 of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) shall be deposited in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction; and

(B) the remainder of the proceeds of the systems of competitive bidding described in subparagraph (A) shall be deposited in accordance with subsection (c).

(2) PROCEEDS OF SPECTRUM PIPELINE ACT OF 2015 AUCTION.—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law—

(A) the first $300,000,000 of the proceeds of the system of competitive bidding required under section 1004 of the Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) shall be deposited in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction; and

(B) the remainder of the proceeds of the system of competitive bidding described in subparagraph (A) shall be deposited in accordance with subsection (c).

(3) REMAINING PROCEEDS OF COVERED AUCTIONS.—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law, any proceeds from covered auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), shall be deposited as follows (unless the system of competitive bidding is a covered auction or a system of competitive bidding described in paragraph (1) or (2) of this subsection, in which case those proceeds shall be deposited in accordance with paragraph (1) or (2) of this subsection, as applicable):

(A) The first $2,000,000,000 of those proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(B) Any remaining proceeds after carrying out subparagraph (A) shall be deposited in accordance with subsection (c).

(c) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), and notwithstanding any other provision of law (except for that subsection), an aggregate total amount of $23,280,000,000 from covered auctions shall be deposited in the Fund as follows:

(A) 30 percent of any such amounts, but no more than $3,080,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under section (d) of this section.

(B) 30 percent of any such amounts, but no more than $14,800,000,000 cumulatively, shall be made available to the Under Secretary of Commerce for Communications and Information until expended to carry out sections 159, 160, and 161 of the National Telecommunications and Information Administration Organization Act, as added by section 301 of this division, except that not more than 4 percent of the amount made available by this subparagraph may be used for administrative purposes (including carrying out such sections 160 and 161).

(C) 30 percent of any such amounts, but no more than $5,000,000,000 cumulatively, shall be made available to the Under Secretary of Commerce for Communications and Information to carry out section 60401 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1741).

(D) 5 percent of such amounts, but no more than $200,000,000 cumulatively, shall be made available to the Under Secretary of Commerce for Communications and Information to carry out the Telecommunications Workforce Training Grant Program created under title XII of this division.

(E) 5 percent of such amounts, but no more than $200,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under section (e) of this section.

(2) DISTRIBUTION.—If the maximum amount permitted under a subparagraph of paragraph (1) is met, whether through covered auction proceeds or appropriations to the program specified in such subparagraph, any remaining proceeds shall be deposited pro rata based on the original distribution to all subparagraphs of paragraph (1) for which the maximum amount permitted has not been met.

(3) DEFICIT REDUCTION.—After the amount required to be made available by paragraphs (1) and (2) is so made available, any remaining amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(d) FCC BORROWING AUTHORITY.—The Federal Communications Commission may borrow from the Treasury of the United States, not later than 90 days after the date of the enactment of this Act, an amount not to exceed $3,080,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), provided that the Commission shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2032.

(e) NTIA BORROWING AUTHORITY.—The Under Secretary of Commerce for Communications and Information may borrow from the Treasury of the United States, not later than 90 days after the date of the enactment of this Act, an amount not to exceed $200,000,000 to carry out the Minority Serving Institutions Program created under title XI of this division, provided that the Under Secretary shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2032.

(f) REPORTING REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter until funds are fully expended, the agencies to which the funds are made available shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the amount transferred or made available under each subparagraph of subsection (c)(1).

TITLE VII—CREATION OF A SPECTRUM PIPELINE

SEC. 701. CREATION OF A SPECTRUM PIPELINE.

(a) FEASIBILITY ASSESSMENT.—

(1) IN GENERAL.—The Under Secretary shall complete, not later than June 15, 2025, a feasibility assessment of making available electromagnetic spectrum for non-Federal use, shared Federal and non-Federal use, or a combination thereof, in the bands of frequencies—

(A) between 4400 and 4940 megahertz, inclusive; and

(B) between 7125 and 8500 megahertz, inclusive.

(2) OTHER REQUIREMENTS.—In conducting the feasibility assessment under paragraph (1), the Under Secretary shall—

(A) coordinate directly with covered agencies with respect to frequencies assigned to, and used by, those agencies in the bands described in paragraph (1) and in affected adjacent or near adjacent bands; and

(B) conduct each analysis in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(b) REPORT TO THE COMMISSION AND CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Under Secretary completes the feasibility assessment required under subsection (a)(1), the Under Secretary shall submit to the Commission and Congress a report regarding that analysis, including an identification of the frequencies to be reallocated from Federal use to non-Federal use, and from Federal use to shared Federal and non-Federal use.

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

(A) the covered agencies with which the Under Secretary coordinated regarding the frequencies considered under subsection (a)(1);

(B) the necessary steps to make the bands of frequencies considered under subsection (a)(1) available for non-Federal use, shared Federal and non-Federal use, or a combination thereof, including—

(i) the technical requirements necessary to make available bands in the frequencies considered under subsection (a)(1) for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use; and

(ii) an estimate of the cost to covered agencies to make available bands in the frequencies considered under subsection (a)(1) for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use;

(C) an assessment of the likelihood that authorizing mobile or fixed terrestrial operations in any of the frequencies considered under subsection (a)(1) would result in harmful interference to an affected Federal entity; and

(D) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under subsection (a) could have on the mission of an affected Federal entity.

(3) PUBLIC AVAILABILITY.—The Under Secretary shall make the report submitted under this subsection publicly available.

(4) CLASSIFIED INFORMATION.—To the extent that there is classified material in the report required to be submitted under subsection (b)(1), provide the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a briefing on the classified components of the report submitted under this subsection.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, law enforcement sensitive information, or other information reflecting technical, procedural, or policy concerns subject to protection under section 552 of title 5, United States Code.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Communications and Information.

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

SEC. 801. IMPROVING SPECTRUM MANAGEMENT.

Part A of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

''SEC. 106. IMPROVING SPECTRUM MANAGEMENT.

''(a) DEFINITIONS.—In this section:

''(1) CHAIR.—The term 'Chair' means the Chairman of the Commission.

''(2) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(3) MEMORANDUM.—The term 'Memorandum' means the Memorandum of Understanding between the Commission and the National Telecommunications and Information Administration (relating to increased coordination between Federal spectrum management agencies to promote the efficient use of the radio spectrum in the public interest), signed on August 1, 2022, or any successor memorandum.

''(4) PPSG.—The term 'PPSG' means the interagency advisory body that, as of the date of the enactment of this section, is known as the Policy and Plans Steering Group.

''(5) SPECTRUM ACTION.—The term 'spectrum action' means any proposed action by the Commission to reallocate radio frequency spectrum that is anticipated to result in a system of competitive bidding conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or licensing that could potentially impact the spectrum operations of a Federal entity.

''(6) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Communications and Information.

''(b) FEDERAL COORDINATION PROCEDURES.—

''(1) NOTICE.—With respect to each spectrum action, the Under Secretary shall file in the public record with respect to the spectrum action information (redacted as necessary if the information is protected from disclosure for a reason described in paragraph (3)) not later than the end of the period for submitting comments to the Commission in such proceeding regarding—

''(A) when the Commission provided notice to the Under Secretary regarding the spectrum action, as required under the Memorandum;

''(B) the Federal entities that may be impacted by the spectrum action;

''(C) when the Under Secretary provided notice to the Federal entities described in subparagraph (B) regarding the spectrum action; and

''(D) a summary of the general technical or procedural concerns of Federal entities with the spectrum action.

''(2) FINAL RULE.—If the Commission promulgates a final rule under section 553 of title 5, United States Code, involving a spectrum action, the Commission shall prepare, make available to the public, and publish in the Federal Register along with the final rule an interagency coordination summary that describes—

''(A) when the Commission provided notice to the Under Secretary regarding the spectrum action, as required under the Memorandum;

''(B) whether the Under Secretary raised technical, procedural, or policy concerns of Federal entities regarding the spectrum action; and

''(C) how any concerns described in subparagraph (B) were resolved.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, or other information reflecting technical, procedural, or policy concerns that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act').

''(c) FEDERAL SPECTRUM COORDINATION RESPONSIBILITIES.—

''(1) IN GENERAL.—Not later than 180 after the date of the enactment of this Act, the Under Secretary shall establish a charter for the PPSG.

''(2) PPSG REPRESENTATIVE.—

''(A) IN GENERAL.—The head of each Federal entity that is reflected in the membership of the PPSG, as identified in the charter established under paragraph (1), shall appoint a senior-level employee (or an individual occupying a Senior Executive Service position, as defined in section 3132(a) of title 5, United States Code) who is eligible to receive a security clearance that allows for access to sensitive compartmented information to serve as the representative of the Federal entity to the PPSG.

''(B) SECURITY CLEARANCE REQUIREMENT.—If an individual appointed under subparagraph (A) is not eligible to receive a security clearance described in that subparagraph—

''(i) the appointment shall be invalid; and

''(ii) the head of the Federal entity making the appointment shall appoint another individual who satisfies the requirements of that subparagraph, including the requirement that the individual is eligible to receive such a security clearance.

''(3) DUTIES.—An individual appointed under paragraph (2) shall—

''(A) oversee the spectrum coordination policies and procedures of the applicable Federal entity;

''(B) be responsible for timely notification of technical or procedural concerns of the applicable Federal entity to the PPSG; and

''(C) work closely with the representative of the applicable Federal entity to the Interdepartment Radio Advisory Committee.

''(4) PUBLIC CONTACT.—

''(A) IN GENERAL.—Each Federal entity shall list, on the website of the Federal entity, the name and contact information of the representative of the Federal entity to the PPSG, as appointed under paragraph (2).

''(B) NTIA RESPONSIBILITY.—The Under Secretary shall publish on the public website of the NTIA a complete list of the representatives to the PPSG appointed under paragraph (2).

''(d) COORDINATION BETWEEN FEDERAL AGENCIES AND THE NTIA.—

''(1) UPDATES.—Not later than 3 years from the date of the enactment of this section, and every 4 years thereafter or more frequently as appropriate, the Commission and the NTIA shall update the Memorandum.

''(2) NATURE OF UPDATE.—In updating the Memorandum as required in paragraph (1), such updates shall reflect changing technological, procedural, and policy circumstances as determined are necessary and appropriate by the Commission and NTIA.''.

TITLE IX—SPECTRUM RELOCATION FUND MODERNIZATION

SEC. 901. SPECTRUM RELOCATION FUND MODERNIZATION.

(a) CONGRESSIONAL NOTIFICATION TIMELINES.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (C), by striking ''30 days'' and inserting ''15 days''; and

(B) in the matter following subparagraph (C), by striking ''30 days'' and inserting ''15 days'';

(2) in subsection (f)(2)(B)(iv), by striking ''30 days'' and inserting ''15 days''; and

(3) in subsection (g)(2)(D)(ii), by striking ''60 days'' and inserting ''15 days''.

(b) COMPARABLE CAPABILITY.—Section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking ''; and'' and inserting a semicolon;

(B) in clause (v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vi) the costs associated with replacing systems and equipment with state-of-the-art systems and equipment, including systems and equipment with additional functions, only if the state-of-the-art systems and equipment allow for the reallocation of significantly more valuable spectrum frequencies from Federal use to exclusive non-Federal use or to shared Federal and non-Federal use than would be reallocated if systems and equipment were replaced with comparable systems and equipment or systems and equipment with incidental increases in functionality, provided the costs would not jeopardize the ability of the Under Secretary, in consultation with the Chair of the Commission, to reallocate eligible spectrum frequencies from Federal use to exclusive non-Federal use or to shared use.''; and

(2) in subparagraph (B)(ii), by striking ''incidental''.

(c) TECHNICAL PANEL.—Section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B)(i)—

(i) in the clause heading, by striking ''NUMBER AND APPOINTMENT'' and inserting ''NUMBER, APPOINTMENT, AND ROLE'';

(ii) in subclause (I), by inserting before the period at the end the following: '', including to focus on how the plans and timelines of the Federal entity for using funds received from the Spectrum Relocation Fund impact the balances of the Spectrum Relocation Fund'';

(iii) in subclause (II), by inserting before the period at the end the following: '', including to focus on the feasibility of the steps to be taken by the Federal entity to relocate its spectrum use or to transition to shared spectrum use''; and

(iv) in subclause (III), by inserting before the period at the end the following: '', including to focus on the level of demand for the eligible frequencies to be auctioned''; and

(B) by adding at the end the following:

''(F) CRITERIA AND TRANSPARENCY.—

''(i) IN GENERAL.—Not later than June 30, 2023, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, in coordination with the Chair of the Commission, develop a framework by which the Technical Panel shall evaluate the sufficiency of the plan of a Federal entity and the reasonableness of the proposed timelines and estimated costs in that plan.

''(ii) PUBLICATION.—Not later than 15 days after the NTIA adopts the regulations required under clause (i), the NTIA shall publish the framework developed under clause (i) on the website of the NTIA.''; and

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) by inserting ''written'' before ''report''; and

(ii) by striking ''paragraph (2)'' and all that follows through the period at the end and inserting the following: ''the framework under paragraph (3) and an assessment of whether the plan meets the criteria established in the framework under paragraph (3) for the reasonableness of the proposed timelines and estimated costs.'';

(B) in subparagraph (B), by striking ''90'' and inserting ''60''; and

(C) by adding at the end the following:

''(C) TRANSPARENCY AND NOTIFICATION.—If the Technical Panel finds that a plan submitted under paragraph (1) is insufficient, not later than 15 days after the finding of insufficiency, the NTIA shall submit to Congress a notification, which shall include the criteria established in the framework under paragraph (3) the Technical Panel determined that the plan did not meet.''.

(d) RESEARCH FUNDS FOR TRANSITION PLANS.—Section 118(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)) is amended—

(1) in subparagraph (C), by striking ''that—'' and all that follows through the period at the end and inserting ''that are assigned to a Federal entity.''; and

(2) in subparagraph (E)(ii)(I)(bb), by striking ''and'' and inserting ''or''.

(e) STUDY OF PAYMENTS FOR RESEARCH AND DEVELOPMENT.—The Comptroller General of the United States shall issue a report to Congress—

(1) reviewing the use of the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) by Federal entities for research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities intended to improve the efficiency and effectiveness of the spectrum use of Federal entities in order to make available frequencies for exclusive non-Federal use; and

(2) that considers if changes are necessary to encourage Federal entities to access funds in the Spectrum Relocation Fund for the purpose described in paragraph (1), and whether the National Telecommunications and Information Administration should be able to access funds in the Spectrum Relocation Fund for research and development, to lead spectrum studies, and to provide oversight of SRF-funded activities.

(f) RULE OF CONSTRUCTION.—None of the amendments made by this section shall apply to the relocation of Federal entities in connection with the auction required under section 1004 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) or the auction required under section 90008(b) of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), as amended by this division.

TITLE X—NTIA REAUTHORIZATION

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

Section 151 of the National Telecommunications and Information Administration Organization Act is amended—

(1) by striking ''1992 and'' and inserting ''1992,''; and

(2) by inserting ''and $62,000,000 for fiscal year 2023,'' after ''1993,''.

SEC. 1002. UNDER SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

(a) IN GENERAL.—Section 103(a)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)(2)) is amended by striking ''Assistant Secretary of Commerce for Communications and Information'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(b) PAY.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking ''and Under Secretary of Commerce for Minority Business Development'' and inserting ''Under Secretary of Commerce for Minority Business Development, and Under Secretary of Commerce for Communications and Information''; and

(2) in section 5315, by striking ''(11)'' after ''Assistant Secretaries of Commerce'' and inserting ''(10)''.

(c) DEPUTY UNDER SECRETARY.—

(1) IN GENERAL.—Section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)), as amended by subsection (a) of this section, is amended by adding at the end the following:

''(3) DEPUTY UNDER SECRETARY.—The Deputy Under Secretary of Commerce for Communications and Information shall—

''(A) be the principal policy advisor of the Under Secretary;

''(B) perform such other functions as the Under Secretary shall from time to time assign or delegate; and

''(C) act as Under Secretary during the absence or disability of the Under Secretary or in the event of a vacancy in the office of the Under Secretary.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 106(c) of the Public Telecommunications Financing Act of 1978 (5 U.S.C. 5316 note; Public Law 95–567) is amended by striking ''The position of Deputy Assistant Secretary of Commerce for Communications and Information, established in Department of Commerce Organization Order Numbered 10-10 (effective March 26, 1978),'' and inserting ''The position of Deputy Under Secretary of Commerce for Communications and Information, established under section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)),''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 344(d)(2) of the Communications Act of 1934 (as added by section 60602(a) of the Infrastructure Investment and Jobs Act (Public Law 117–58)) is amended by striking ''Assistant Secretary'' and inserting ''Under Secretary''.

(2) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(3) HOMELAND SECURITY ACT OF 2002.—Section 1805(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 575(d)(2)) is amended by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(4) AGRICULTURE IMPROVEMENT ACT OF 2018.—Section 6212 of the Agriculture Improvement Act of 2018 (7 U.S.C. 950bb–6) is amended—

(A) in subsection (d)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(5) REAL ID ACT OF 2005.—Section 303 of the REAL ID Act of 2005 (8 U.S.C. 1721 note; Public Law 109–13) is repealed.

(6) BROADBAND DATA IMPROVEMENT ACT.—Section 214 of the Broadband Data Improvement Act (15 U.S.C. 6554) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''Assistant Secretary'' and inserting ''Under Secretary'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.—Section 103(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7003(c)) is amended—

(A) by striking ''EXCEPTIONS'' and all that follows through ''DETERMINATIONS.—If'' and inserting ''EXCEPTIONS.—If''; and

(B) by striking ''such exceptions'' and inserting ''of the exceptions in subsections (a) and (b)''.

(8) TITLE 17, UNITED STATES CODE.—Section 1201 of title 17, United States Code, is amended—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''; and

(B) in subsection (g), by striking paragraph (5).

(9) UNLOCKING CONSUMER CHOICE AND WIRELESS COMPETITION ACT.—Section 2(b) of the Unlocking Consumer Choice and Wireless Competition Act (17 U.S.C. 1201 note; Public Law 113–144) is amended by striking ''Assistant Secretary for Communications and Information of the Department of Commerce'' and inserting ''Under Secretary of Commerce for Communications and Information''.

(10) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 2201(d) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (42 U.S.C. 247d–3a note; Public Law 110–53) is repealed.

(11) COMMUNICATIONS SATELLITE ACT OF 1962.—Section 625(a)(1) of the Communications Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is amended, in the matter preceding subparagraph (A), by striking ''Assistant Secretary'' and inserting ''Under Secretary of Commerce''.

(12) SPECTRUM PIPELINE ACT OF 2015.—The Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note; title X of Public Law 114–74) is amended—

(A) in section 1002(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(13) WARNING, ALERT, AND RESPONSE NETWORK ACT.—Section 606 of the Warning, Alert, and Response Network Act (47 U.S.C. 1205) is amended—

(A) in subsection (b), in the first sentence, by striking ''Assistant Secretary of Commerce for7Communications and Information'' and inserting ''Under Secretary of Commerce for Communications and Information''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(14) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(15) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401 et seq.) is amended—

(A) in section 6001 (47 U.S.C. 1401)—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) through (31) as paragraphs (4) through (30), respectively; and

(iii) by inserting after paragraph (30), as so redesignated, the following:

''(31) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Communications and Information.'';

(B) in subtitle D (47 U.S.C. 1451 et seq.)—

(i) in section 6406 (47 U.S.C. 1453)—

(I) by striking subsections (b) and (c); and

(II) by inserting after subsection (a) the following:

''(b) DEFINITION.—In this section, the term '5350-5470 MHz band' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.''; and

(ii) by striking section 6408; and

(C) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(16) RAY BAUM'S ACT OF 2018.—The RAY BAUM'S Act of 2018 (division P of Public Law 115–141; 132 Stat. 348) is amended by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(17) SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019.—Section 8 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607) is amended—

(A) in subsection (c)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(B) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(18) TITLE 51, UNITED STATES CODE.—Section 50112(3) of title 51, United States Code, is amended, in the matter preceding subparagraph (A), by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(19) CONSOLIDATED APPROPRIATIONS ACT, 2021.—The Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(A) in title IX of division N—

(i) in section 902(a)(2), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(ii) in section 905—

(I) in subsection (a)(1), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(II) in subsection (c)(3)(B), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(III) in subsection (d)(2)(B), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(iii) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''; and

(B) in title IX of division FF—

(i) in section 903(g)(2), in the heading, by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(ii) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary''.

(20) INFRASTRUCTURE INVESTMENT AND JOBS ACT.—The Infrastructure Investment and Jobs Act (Public Law 117–58) is amended—

(A) in section 27003, by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary'';

(B) in division F—

(i) in section 60102—

(I) in subsection (a)(2)(A), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(II) in subsection (d)(1), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(III) in subsection (h)—

(aa) in paragraph (1)(B), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(bb) in paragraph (5)(B)(iii), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(ii) in title III—

(I) in section 60302(5), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(II) in section 60305(d)(2)(B)(ii), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY'';

(iii) in section 60401(a)(2), by striking ''ASSISTANT SECRETARY'' and inserting ''UNDER SECRETARY''; and

(iv) by striking ''Assistant Secretary'' each place the term appears and inserting ''Under Secretary'';

(C) in section 90008(b)(3), by striking ''Assistant Secretary'' and inserting ''Under Secretary''; and

(D) in division J, in title I, in the matter under the heading ''distance learning, telemedicine, and broadband program'' under the heading ''Rural Utilities Service'' under the heading ''RURAL DEVELOPMENT PROGRAMS'', by striking ''Assistant Secretary'' and inserting ''Under Secretary''.

(e) CONTINUATION IN OFFICE.—The individual serving as the Assistant Secretary of Commerce for Communications and Information and the individual serving as the Deputy Assistant Secretary of Commerce for Communications and Information on the day before the date of the enactment of this Act may serve as the Under Secretary of Commerce for Communications and Information and the Deputy Under Secretary of Commerce for Communications and Information, respectively, on and after that date without the need for renomination or reappointment.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary of Commerce for Communications and Information is deemed to refer to the Under Secretary of Commerce for Communications and Information.

(g) SAVINGS PROVISIONS.—

(1) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(A) that have been issued, made, granted, or allowed to become effective by the Assistant Secretary of Commerce for Communications and Information, any officer or employee of the National Telecommunications and Information Administration, or any other Government official, or by a court of competent jurisdiction; and

(B) that are in effect on the date of the enactment of this Act (or become effective after such date pursuant to their terms as in effect on such date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Assistant Secretary of Commerce for Communications and Information shall abate by reason of the enactment of this title.

(3) PROCEEDINGS.—This title shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before the National Telecommunications and Information Administration, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(4) SUITS.—This title shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

TITLE XI—MINORITY SERVING INSTITUTIONS PROGRAM

SEC. 1101. DEFINITIONS.

In this title:

(1) BROADBAND.—The term ''broadband'' means broadband—

(A) having—

(i) a speed of not less than—

(I) 100 megabits per second for downloads; and

(II) 20 megabits per second for uploads; and

(ii) a latency sufficient to support reasonably foreseeable, real-time, interactive applications; and

(B) with respect to an eligible community, offered with a low-cost option that is affordable to low- and middle-income residents of the eligible community, including through the Affordable Connectivity Program established under section 904(b) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)) or any successor program, and a low-cost program available through a provider.

(2) COVERED PLANNING GRANT.—The term ''covered planning grant'' means funding made available to an eligible applicant for the purpose of developing or carrying out a local broadband plan from—

(A) an administering entity through a subgrant under section 60304(c)(3)(E) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1723); or

(B) an eligible entity—

(i) carrying out pre-deployment planning activities under subparagraph (A) of section 60102(d)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(d)(2)) or carrying out the administration of the grant under subparagraph (B) of such Act; or

(ii) carrying out planning activities under section 60102(e)(1)(C)(iii) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(e)(1)(C)(iii)).

(3) DIGITAL EQUITY.—The term ''digital equity'' has the meaning given the term in section 60302 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1721).

(4) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means an organization that does not receive a covered planning grant and—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code;

(B) has a mission that is aligned with advancing digital equity;

(C) has relevant experience and expertise supporting eligible community anchor institutions to engage in the planning for the expansion and adoption of reliable and affordable broadband and deployment of broadband, and the advancement of digital equity—

(i) on campus at such institutions; and

(ii) to low-income residents in eligible communities with respect to those institutions; and

(D) employs staff with expertise in the development of broadband plans, the construction of internet infrastructure, or the design and delivery of digital equity programs, including through the use of contractors and consultants, except that the employment of such staff does not rely solely on outsourced contracts.

(5) ELIGIBLE COMMUNITY.—The term ''eligible community'' means a community that—

(A) is located—

(i) within a census tract any portion of which is not more than 15 miles from an eligible community anchor institution; and

(ii) with respect to a Tribal College or University located on land held in trust by the United States—

(I) not more than 15 miles from the Tribal College or University; or

(II) within a maximum distance established by the Under Secretary, in consultation with the Secretary of the Interior, to ensure that the area is statistically comparable to other areas described in clause (i); and

(B) has an estimated median annual household income of not more than 250 percent of the poverty line, as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(6) ELIGIBLE COMMUNITY ANCHOR INSTITUTION.—The term ''eligible community anchor institution'' means a historically Black college or university, a Tribal College or University, or a Minority-serving institution.

(7) ELIGIBLE ENTITY.—The term ''eligible entity'' has the meaning given such term in section 60102 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702).

(8) HISTORICALLY BLACK COLLEGE OR UNIVERSITY; TRIBAL COLLEGE OR UNIVERSITY; MINORITY-SERVING INSTITUTION.—The terms ''historically Black college or university'', ''Tribal College or University'', and ''Minority-serving institution'' have the meanings given those terms in section 902(a) of title IX of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306(a)), and include an established fiduciary of such educational institution, such as an affiliated foundation, or a district or State system affiliated with such educational institution.

(9) IMPROPER PAYMENTS.—The term ''improper payments'' has the meaning given the term in section 3351 of title 31, United States Code.

(10) LOCAL BROADBAND PLAN.—The term ''local broadband plan'' means a plan developed pursuant to section 1102(c).

(11) PROGRAM.—The term ''program'' means the pilot program established under section 1102(a).

(12) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Communications and Information.

SEC. 1102. PROGRAM.

(a) ESTABLISHMENT.—The Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall use the amounts made available under section 602(e) of this division to establish within the National Telecommunications and Information Administration a program for the purposes described in subsection (c), provided that not more than 6 percent of the amounts used to establish the program may be used for salary, expenses, administration, and oversight with respect to the program.

(b) AUTHORITY.—The Under Secretary may use funding mechanisms, including grants, cooperative agreements, and contracts, for the effective implementation of the pilot program.

(c) PURPOSES.—Funding made available under the program shall enable an eligible applicant to work with an eligible community anchor institution, and each eligible community with respect to the eligible community anchor institution, to develop a local broadband plan to—

(1) identify barriers to broadband deployment and adoption in order to expand the availability and adoption of broadband at the eligible community anchor institution and within each such eligible community;

(2) advance digital equity at the eligible community anchor institution and within each such eligible community; and

(3) help each such eligible community to prepare applications for funding from multiple sources, including from—

(A) the various programs authorized under the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429); and

(B) other Federal, State, and Tribal sources of funding for broadband deployment, affordable broadband internet service, or digital equity.

(d) CONTENTS OF LOCAL BROADBAND PLAN.—A local broadband plan shall—

(1) be developed in coordination with stakeholder representatives; and

(2) with respect to support for infrastructure funding—

(A) reflect an approach that is performance-based and does not favor any particular technology, provider, or type of provider; and

(B) include—

(i) a description of the demographic profile of each applicable eligible community;

(ii) an assessment of the needs of each applicable eligible community, including with respect to digital literacy, workforce development, and device access needs;

(iii) a summary of current (as of the date of the most current data published by the Federal Communications Commission) service providers operating in each applicable eligible community and the broadband offerings and related services in each applicable eligible community;

(iv) an estimate of capital and operational expenditures for the course of action recommended in the local broadband plan;

(v) a preliminary implementation schedule for the deployment of broadband required under the local broadband plan; and

(vi) a summary of the potential employment, development, and revenue creation opportunities for the eligible community anchor institution and each applicable eligible community.

(e) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive funding under the program, an eligible applicant shall submit to the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, an application containing—

(A) the name and mailing address of the eligible applicant;

(B) the name and email address of the point of contact for the eligible applicant;

(C) documentation providing evidence that the applicant is an eligible applicant;

(D) a summary description of the proposed approach that the eligible applicant will take to expand the availability and adoption of broadband;

(E) an outline or sample of the proposed local broadband plan with respect to the funds;

(F) a draft proposal for carrying out the local broadband plan with respect to the funds, describing with specificity how funds will be used;

(G) a summary of past performance in which the eligible applicant created plans similar to the local broadband plan for communities similar to each applicable eligible community;

(H) a description of the approach the eligible applicant will take to engage each applicable eligible community and the applicable eligible community anchor institution and report outcomes relating to that engagement;

(I) a description of how the eligible applicant will meet the short term and long-term goals described in subsection (h)(2)(A); and

(J) a certification that the applicant is not a recipient of a covered planning grant.

(2) DEADLINES.—The Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall publish a notice for the program not later than 60 days after the date of the enactment of this Act.

(f) SELECTION CRITERIA.—When selecting an eligible applicant to receive funding under the grant program, the Under Secretary may give preference or priority to an eligible applicant, the application of which, if awarded, would enable a greater number of eligible communities to be served.

(g) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report, which the Under Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall make available to the public.

(2) CONTENTS.—The report described in paragraph (1) shall include, for the period covered by the report—

(A) the number of eligible applicants that submitted applications under the grant program;

(B) the number of eligible applicants that received funding under the program;

(C) a summary of the funding amounts made available to eligible applicants under the program and the list of eligible community anchor institutions the eligible applicants propose to serve;

(D) the number of eligible communities that ultimately received funding or financing to promote broadband adoption and to deploy broadband in the eligible community under the program;

(E) information determined necessary by the Under Secretary to measure progress toward the goals described in subsection (h)(2)(A) and assess whether the goals described in such subsection are being met; and

(F) an identification of each eligible applicant that received funds through the Program and a description of the progress each eligible applicant has made toward accomplishing the purpose of the Program, as described in subsection (c).

(h) PUBLIC NOTICE; REQUIREMENTS.—

(1) PUBLIC NOTICE.—Not later than 90 days after the date on which the Under Secretary provides public notice of the program, the Under Secretary, in consultation with the head of the Office of Minority Broadband Initiatives, shall issue the Notice of Funding Opportunity governing the program.

(2) REQUIREMENTS.—In the notice required under paragraph (1), the Under Secretary shall—

(A) establish short-term and long-term goals for eligible applicants that receive funds under the program;

(B) establish performance metrics by which to evaluate whether an eligible entity has met the goals described in subparagraph (A); and

(C) identify the selection criteria described in subsection (f) that the Under Secretary will use to award funds under the program if demand for funds under the program exceeds the amount appropriated for carrying out the program.

(i) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce (referred to in this subsection as the ''Inspector General'') shall conduct an audit of the program in order to—

(A) ensure that eligible applicants use funds awarded under the program in accordance with—

(i) the requirements of this title; and

(ii) the purposes of the program, as described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments.

(2) REVOCATION OF FUNDS.—The Under Secretary shall revoke funds awarded to an eligible applicant that is not in compliance with the requirements of this section or the purposes of the program, as described in subsection (c).

(3) AUDIT FINDINGS.—Each finding of waste, fraud, abuse, or an improper payment by the Inspector General in an audit under paragraph (1) shall include the following:

(A) The name of the eligible applicant.

(B) The amount of funding made available under the program to the eligible applicant.

(C) The amount of funding determined to be an improper payment made to an eligible applicant involved in the waste, fraud, abuse, or improper payment.

(4) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after the date of a finding described under paragraph (3), the Inspector General shall concurrently notify the Under Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the information described in that paragraph.

(5) FRAUD RISK MANAGEMENT.—In issuing rules under this subsection, the Under Secretary shall—

(A) designate an entity within the program office to lead fraud risk management activities;

(B) ensure the entity designated under subparagraph (A) has defined responsibilities and the necessary authority to serve its role;

(C) conduct risk-based monitoring and evaluation of fraud risk management activities with a focus on outcome measurement;

(D) collect and analyze data from reporting mechanisms and instances of detected fraud for real-time monitoring of fraud trends;

(E) use the results of the monitoring, evaluations, and investigations to improve fraud prevention, detection, and response;

(F) plan regular fraud risk assessments and assess risks to determine a fraud risk profile;

(G) develop, document, and communicate an anti-fraud strategy, focusing on preventative control activities;

(H) consider the benefits and costs of controls to prevent and detect potential fraud, and develop a fraud response plan; and

(I) establish collaborative relationships with stakeholders and create incentives to help ensure effective implementation of the anti-fraud strategy described in subparagraph (G).

TITLE XII—IMPACT ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Improving Minority Participation And Careers in Telecommunications Act'' or the ''IMPACT Act''.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this title:

(1) COVERED GRANT.—The term ''covered grant'' means a grant awarded under section 1203.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a historically Black college or university, Tribal College or University, or minority-serving institution, or a consortium of such entities, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications technology that is located within the National Telecommunications and Information Administration.

(3) GRANT PROGRAM.—The term ''Grant Program'' means the Telecommunications Workforce Training Grant Program established under section 1203.

(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(6) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given such term in section 2(d) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(7) INDUSTRY FIELD ACTIVITIES.—The term ''industry field activities'' means activities at active telecommunications, cable, and broadband network worksites, such as towers, construction sites, and network management hubs.

(8) INDUSTRY PARTNER.—The term ''industry partner'' means an entity described in subparagraphs (A) through (F) of paragraph (2) with which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) TRAINING PROGRAM.—The term ''training program'' means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications workforce; and

(B) includes a curriculum and apprenticeship or internship opportunities that can also be paired with—

(i) a degree program; or

(ii) stacked credentialing toward a degree.

(11) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the

meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

(12) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Communications and Information.

SEC. 1203. PROGRAM.

(a) PROGRAM.—The Under Secretary, acting through the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), shall establish a program, to be known as the ''Telecommunications Workforce Training Grant Program'', under which the Under Secretary awards grants to eligible entities to develop training programs.

(b) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a covered grant shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require.

(2) CONTENTS.—An eligible entity shall include in an application under paragraph (1)—

(A) a commitment from the industry partner of the eligible entity to collaborate with the eligible entity to develop a training program, including curricula and internships or apprenticeships;

(B) a description of how the eligible entity plans to use the covered grant, including the type of training program the eligible entity plans to develop;

(C) a plan for recruitment of students and potential students to participate in the training program;

(D) a plan to increase female student participation in the training program of the eligible entity;

(E) a description of potential jobs to be secured through the training program, including jobs in the communities surrounding the eligible entity; and

(F) a description of how the eligible entity will meet the short-term and long-term goals described in subsection (e)(1) and performance metrics described in such subsection.

(c) USE OF FUNDS.—An eligible entity may use a covered grant, with respect to the training program of the eligible entity, to—

(1) hire faculty members to teach courses in the training program;

(2) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—

(A) broadband and wireless network engineering;

(B) network deployment and maintenance; and

(C) industry field activities.

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities in the areas described in paragraph (2);

(6) recruit students for the training program; and

(7) support the enrollment in the training program of individuals working in the telecommunications industry in order to advance professionally in the industry.

(d) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are made available, the Under Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—The Under Secretary shall award not less than—

(A) 20 percent of covered grant amounts to historically Black colleges or universities;

(B) 20 percent of covered grant amounts to Tribal Colleges or Universities; and

(C) 20 percent of covered grant amounts to Hispanic-serving institutions.

(3) EVALUATION CRITERIA.—As part of the final rules issued under subsection (e), the Under Secretary shall develop criteria for evaluating applications for covered grants.

(4) COORDINATION.—The Under Secretary shall ensure that grant amounts awarded under paragraph (2) are coordinated with grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(5) CONSTRUCTION.—In awarding grants under this section for education relating to construction, the Under Secretary may prioritize applications that partner with registered apprenticeship programs, industry-led apprenticeship programs , pre-apprenticeship programs, other work-based learning opportunities, or public two-year community or technical colleges that have a written agreement with one or more registered apprenticeship programs, industry-led apprenticeship programs, pre-apprenticeship programs, or other work-based learning opportunities.

(e) RULES.—

(1) ISSUANCE.—Not later than 180 days after the date of the enactment of this Act, after providing public notice and an opportunity to comment, the Under Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.

(2) CONTENT OF RULES.—In the rules required by this subsection, the Under Secretary shall—

(A) establish short term and long-term goals for eligible entities that receive a covered grant;

(B) establish performance metrics that demonstrate whether the goals described in paragraph (1) have been met by an eligible entity; and

(C) identify the steps the Under Secretary will take to award covered grants through the grant program in the event the demand for covered grants exceed the amount appropriated for carrying out the grant program.

(f) TERM.—The Under Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(g) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Under Secretary a semiannual report that, with respect to the preceding 6-month period—

(1) describes how the eligible entity used the covered grant amounts;

(2) describes the progress the eligible entity made in developing and executing the training program of the eligible entity;

(3) describes the number of faculty and students participating in the training program of the eligible entity;

(4) describes the partnership with the industry partner of the eligible entity, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships;

(5) includes data on internship, apprenticeship, and employment opportunities and placements; and

(6) provides information determined necessary by Under Secretary to—

(A) measure progress toward the goals established under subsection (e)(2)(A); and

(B) assess whether the goals are being met.

(h) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—

(A) ensure that eligible entities use covered grant amounts in accordance with—

(i) the requirements of this section; and

(ii) the overall purpose of the Grant Program described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments in the operation of the Grant Program.

(2) REVOCATION OF FUNDS.—The Under Secretary shall revoke a grant awarded to an eligible entity that is not in compliance with the requirements of this section or the overall purpose of the Grant Program described in subsection (c).

(3) AUDIT FINDINGS.—Any finding of waste, fraud, abuse, or an improper payment by the Inspector General under paragraph (1) shall identify he following:

(A) any entity in the eligible entity.

(B) the amount of funding made available from the grant program to the eligible entity.

(C) the amount of funding determined to be an improper payment to an eligible entity.

(4) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after making a finding under paragraph (1), the Inspector General shall concurrently notify the Under Secretary, the Committee on Energy and Commerce in the House of Representatives, and the Committee on Commerce, Science, and Transportation in the Senate of such finding with any information identified under paragraph (3).

(5) FRAUD RISK MANAGEMENT.—The Under Secretary shall—

(A) designate an entity within the program office to lead fraud risk management activities;

(B) ensure the entity designated under subparagraph (A) has defined responsibilities and the necessary authority to serve its role;

(C) conduct risk-based monitoring and evaluation of fraud risk management activities with a focus on outcome measurement;

(D) collect and analyze data from reporting mechanisms and instances of detected fraud for real-time monitoring of fraud trends;

(E) use the results of the monitoring, evaluations, and investigations to improve fraud prevention, detection, and response;

(F) plan regular fraud risk assessments and assess risks to determine a fraud risk profile;

(G) develop, document, and communicate an antifraud strategy, focusing on preventative control activities;

(H) consider the benefits and costs of controls to prevent and detect potential fraud, and develop a fraud response plan; and

(I) establish collaborative relationships with stakeholders and create incentives to help ensure effective implementation of the antifraud strategy.

(i) ANNUAL REPORT TO CONGRESS.—Each year, until all covered grants have expired, the Under Secretary shall submit to Congress a report that—

(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;

(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing the overall purpose of the Grant Program described in subsection (c);

(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in the training program of the eligible entity;

(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under subsection (h)(1) that were not included in the previous report submitted under this subsection; and

(5) includes information on—

(A) the progress of each eligibly entity towards the short-term and long-term goals established under subsection (e)(1); and

(B) the performance of each eligible entity with respect to the performance metrics described in subsection (e)(2).

SA 6586. Mr. HEINRICH (for Mr. BOOZMAN) proposed an amendment to the bill S. 3519, to amend the National Trails System Act to designate the Butterfield Overland National Historic Trail, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Butterfield Overland National Historic Trail Designation Act''.

SEC. 2. DESIGNATION OF THE BUTTERFIELD OVERLAND NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(31) BUTTERFIELD OVERLAND NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Butterfield Overland National Historic Trail, a trail of approximately 3,292 miles following the route operated by the Butterfield Overland Mail Company, known as the 'Ox-Bow Route', to transport mail and passengers between the eastern termini of St. Louis, Missouri, and Memphis, Tennessee, and extending westward through the States of Arkansas, Oklahoma, Texas, New Mexico, and Arizona, to the western terminus of San Francisco, California, as generally depicted on the maps numbered 1 through 15, entitled 'Study Route Maps', and contained in the report prepared by the National Park Service entitled 'Butterfield Overland Trail National Historical Trail Special Resource Study' and dated May 2018.

''(B) MAPS.—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—The trail established by subparagraph (A) shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail established by subparagraph (A) any land or interest in land outside of the exterior boundary of any federally administered area without the consent of the owner of the land or interest in land.

''(E) NO BUFFER ZONE CREATED.—

''(i) IN GENERAL.—Nothing in this paragraph, the acquisition of land or an interest in land authorized by this paragraph, or any management plan for the Butterfield Overland National Historic Trail creates a buffer zone outside of the Butterfield Overland National Historic Trail.

''(ii) OUTSIDE ACTIVITIES.—The fact that an activity or use on land outside the Butterfield Overland National Historic Trail can be seen, heard, or detected from land or an interest in land acquired for the Butterfield Overland National Historic Trail shall not preclude, limit, control, regulate, or determine the conduct or management of the activity or use.

''(F) EFFECT ON ENERGY DEVELOPMENT, PRODUCTION, OR TRANSMISSION.—Nothing in this paragraph, the acquisition of land or an interest in land authorized by this paragraph, or any management plan for the Butterfield Overland National Historic Trail shall prohibit, hinder, or disrupt the development, production, or transmission of energy.

''(G) NO EMINENT DOMAIN OR CONDEMNATION.—In carrying out this paragraph, the Secretary of the Interior may not use eminent domain or condemnation.''.

SA 6587. Mr. HEINRICH (for Mr. MANCHIN) proposed an amendment to the bill S. 1942, to standardize the designation of National Heritage Areas, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Heritage Area Act''.

SEC. 2. NATIONAL HERITAGE AREA SYSTEM.

(a) IN GENERAL.—Subtitle I of title 54, United States Code, is amended by adding at the end the following:

''DIVISION C—NATIONAL HERITAGE AREAS

''CHAPTER 1201—NATIONAL HERITAGE AREA SYSTEM

''§ 120101. Definition of National Heritage Area

''In this chapter, the term 'National Heritage Area' means a component of the National Heritage Area System described in section 120102(b).

''§ 120102. Establishment of National Heritage Area System

''(a) IN GENERAL.—To recognize certain areas of the United States that tell nationally significant stories and to conserve, enhance, and interpret those nationally significant stories and the natural, historic, scenic, and cultural resources of areas that illustrate significant aspects of the heritage of the United States, there is established a National Heritage Area System through the administration of which the Secretary may provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.

''(b) NATIONAL HERITAGE AREA SYSTEM COMPONENTS.—The National Heritage Area System shall be composed of—

''(1) each National Heritage Area, National Heritage Corridor, National Heritage Canalway, Cultural Heritage Corridor, National Heritage Route, and National Heritage Partnership designated by Congress before or on the date of enactment of this chapter; and

''(2) each National Heritage Area designated by Congress after the date of enactment of this chapter.

''(c) RELATIONSHIP TO THE SYSTEM.—

''(1) RELATIONSHIP TO SYSTEM UNITS.—The Secretary shall—

''(A) ensure, to the maximum extent practicable, participation and assistance by any administrator of the System unit that is located near or encompassed by a National Heritage Area in local initiatives for the National Heritage Area to conserve and interpret resources consistent with the applicable management plan for the National Heritage Area; and

''(B) work with local coordinating entities to promote public enjoyment of System units and System-related resources.

''(2) TREATMENT.—

''(A) IN GENERAL.—A National Heritage Area shall not be—

''(i) considered to be a System unit; or

''(ii) subject to the authorities applicable to System units.

''(B) EFFECT.—Nothing in this paragraph affects the administration of a System unit located within the boundaries of a National Heritage Area.

''(d) AUTHORITIES.—In carrying out this chapter, the Secretary may—

''(1) conduct or review, as applicable, feasibility studies in accordance with section 120103(a);

''(2) conduct an evaluation of the accomplishments of, and submit to Congress a report that includes recommendations regarding the role of the Service with respect to, each National Heritage Area, in accordance with section 120104;

''(3) enter into cooperative agreements with other Federal agencies, States, Tribal governments, local governments, local coordinating entities, and other interested individuals and entities to achieve the purposes of the National Heritage Area System;

''(4) provide information, promote understanding, and encourage research regarding National Heritage Areas, in partnership with local coordinating entities; and

''(5) provide national oversight, analysis, coordination, technical and financial assistance, and support to ensure consistency and accountability of the National Heritage Area System.

''§ 120103. National Heritage Area studies and designation

''(a) STUDIES.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may carry out or review a study to assess the suitability and feasibility of each proposed National Heritage Area for designation as a National Heritage Area.

''(2) PREPARATION.—

''(A) IN GENERAL.—A study under paragraph (1) may be carried out—

''(i) by the Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies; or

''(ii) by interested individuals or entities, if the Secretary certifies that the completed study meets the requirements of paragraph (3).

''(B) CERTIFICATION.—Not later than 1 year after receiving a study carried out by interested individuals or entities under subparagraph (A)(ii), the Secretary shall review and certify whether the study meets the requirements of paragraph (3).

''(3) REQUIREMENTS.—A study under paragraph (1) shall include analysis, documentation, and determinations on whether the proposed National Heritage Area—

''(A) has an assemblage of natural, historic, and cultural resources that—

''(i) represent distinctive aspects of the heritage of the United States;

''(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

''(iii) would be best managed—

''(I) through partnerships among public and private entities; and

''(II) by linking diverse and sometimes noncontiguous resources and active communities;

''(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

''(C) provides outstanding opportunities—

''(i) to conserve natural, historic, cultural, or scenic features; and

''(ii) for recreation and education;

''(D) contains resources that—

''(i) are important to any identified themes of the proposed National Heritage Area; and

''(ii) retain a degree of integrity capable of supporting interpretation;

''(E) includes a diverse group of residents, business interests, nonprofit organizations, and State and local governments that—

''(i) are involved in the planning of the proposed National Heritage Area;

''(ii) have developed a conceptual financial plan that outlines the roles of all participants in the proposed National Heritage Area, including the Federal Government; and

''(iii) have demonstrated significant support for the designation of the proposed National Heritage Area;

''(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the proposed National Heritage Area while encouraging State and local economic activity; and

''(G) has a conceptual boundary map that is supported by the public.

''(4) REPORT.—

''(A) IN GENERAL.—For each study carried out under paragraph (1), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

''(i) any correspondence received by the Secretary demonstrating support for, or opposition to, the establishment of the National Heritage Area;

''(ii) the findings of the study; and

''(iii) any conclusions and recommendations of the Secretary.

''(B) TIMING.—

''(i) STUDIES CARRIED OUT BY THE SECRETARY.—With respect to a study carried out by the Secretary in accordance with paragraph (2)(A)(i), the Secretary shall submit a report under subparagraph (A) not later than 3 years after the date on which funds are first made available to carry out the study.

''(ii) STUDIES CARRIED OUT BY OTHER INTERESTED PARTIES.—With respect to a study carried out by interested individuals or entities in accordance with paragraph (2)(A)(ii), the Secretary shall submit a report under subparagraph (A) not later than 180 days after the date on which the Secretary certifies under paragraph (2)(B) that the study meets the requirements of paragraph (3).

''(b) DESIGNATION.—An area shall be designated as a National Heritage Area only by an Act of Congress.

''§ 120104. Evaluation

''(a) IN GENERAL.—At reasonable and appropriate intervals, as determined by the Secretary, the Secretary may—

''(1) conduct an evaluation of the accomplishments of a National Heritage Area in accordance with subsection (b); and

''(2) prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the continued role of the Service with respect to each National Heritage Area in accordance with subsection (c).

''(b) COMPONENTS.—An evaluation under subsection (a)(1) shall—

''(1) assess the progress of the applicable local coordinating entity of a National Heritage Area with respect to—

''(A) accomplishing the purposes of the applicable National Heritage Area; and

''(B) achieving the goals and objectives of the management plan;

''(2) analyze Federal, State, local, Tribal government, and private investments in the National Heritage Area to determine the leverage and impact of the investments; and

''(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

''(c) RECOMMENDATIONS.—Each report under subsection (a)(2) shall include—

''(1) if the report contains a recommendation of the Secretary that Federal funding for the applicable National Heritage Area should be continued, an analysis of—

''(A) any means by which that Federal funding may be reduced or eliminated over time; and

''(B) the appropriate time period necessary to achieve the recommended reduction or elimination of Federal funding; or

''(2) if the report contains a recommendation of the Secretary that Federal funding for the applicable National Heritage Area should be eliminated, a description of potential impacts on conservation, interpretation, and sustainability in the applicable National Heritage Area.''.

(b) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

(1) IN GENERAL.—Nothing in this section (including an amendment made by this section)—

(A) abridges any right of a public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within a National Heritage Area;

(B) requires any property owner to permit public access (including Federal, State, Tribal government, or local government access) to a property;

(C) modifies any provision of Federal, State, Tribal, or local law with respect to public access or use of private land;

(D)(i) alters any applicable land use regulation, land use plan, or other regulatory authority of any Federal, State, or local agency or Tribal government; or

(ii) conveys to any local coordinating entity any land use or other regulatory authority;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of a State to manage fish and wildlife, including through the regulation of fishing and hunting within a National Heritage Area in the State; or

(G) creates or affects any liability—

(i) under any other provision of law; or

(ii) of any private property owner with respect to any person injured on private property.

(2) CONFORMING AMENDMENT.—Section 8004(f) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1245) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) requires any property owner to permit public access (including Federal, State, Tribal government, or local government access) to a property;

''(3) modifies any provision of Federal, State, Tribal, or local law with respect to public access or use of private land;

''(4)(A) alters any applicable land use regulation, land use plan, or other regulatory authority of any Federal, State, or local agency or Tribal government; or

''(B) conveys to any local coordinating entity any land use or other regulatory authority;''.

(c) CONFORMING AMENDMENT.—Section 3052(a) of Public Law 113–291 (54 U.S.C. 320101 note) is amended by striking paragraph (2).

(d) CLERICAL AMENDMENT.—The analysis for subtitle I of title 54, United States Code, is amended by adding at the end the following:

''DIVISION C—NATIONAL HERITAGE AREAS

''1201. National Heritage Area System.....120101''.

SEC. 3. AUTHORIZATION OF CERTAIN NATIONAL HERITAGE AREA STUDIES.

(a) KAENA POINT NATIONAL HERITAGE AREA STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with State of Hawaii and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies and in accordance with section 120103(a) of title 54, United States Code, shall conduct a study to assess the suitability and feasibility of designating all or a portion of Honolulu County on the island of Oahu as a National Heritage Area, to be known as the ''Kaena Point National Heritage Area''.

(b) GREAT DISMAL SWAMP NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State and local organizations and governmental agencies, Tribal governments, nonprofit organizations, and other appropriate entities and in accordance with section 120103(a) of title 54, United States Code, shall conduct a study to assess the suitability and feasibility of designating the areas described in paragraph (2) in the States of Virginia and North Carolina as a National Heritage Area, to be known as the ''Great Dismal Swamp National Heritage Area''.

(2) DESCRIPTION OF STUDY AREA.—The areas to be studied under paragraph (1) include—

(A) the cities of Chesapeake, Norfolk, Portsmouth, and Suffolk in the State of Virginia;

(B) Isle of Wight County in the State of Virginia;

(C) Camden, Currituck, Gates, and Pasquotank Counties in the State of North Carolina; and

(D) any other area in the State of Virginia or North Carolina that—

(i) has heritage aspects that are similar to the heritage aspects of an area described in subparagraph (A), (B), or (C); and

(ii) is adjacent to, or in the vicinity of, an area described in subparagraph (A), (B), or (C).

(c) GUAM NATIONAL HERITAGE AREA STUDY.—The Secretary, in consultation with appropriate regional and local organizations or agencies, and in accordance with section 120103(a) of title 54, United States Code, shall conduct a study to assess the suitability and feasibility of designating sites in Guam as a National Heritage Area.

SEC. 4. NATIONAL HERITAGE AREA DESIGNATIONS.

(a) DESIGNATIONS.—Section 6001(a) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 768) is amended by adding at the end the following:

''(7) ALABAMA BLACK BELT NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Alabama Black Belt National Heritage Area in the State of Alabama, as depicted on the map entitled 'Alabama Black Belt Proposed National Heritage Area', numbered 258/177,272, and dated September 2021.

''(B) LOCAL COORDINATING ENTITY.—The Center for the Study of the Black Belt at the University of West Alabama shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(8) BRONZEVILLE-BLACK METROPOLIS NATIONAL HERITAGE AREA, ILLINOIS.—

''(A) IN GENERAL.—There is established the Bronzeville-Black Metropolis National Heritage Area in the State of Illinois.

''(B) BOUNDARIES.—The National Heritage Area shall consist of the region in the city of Chicago, Illinois, bounded as follows:

''(i) 18th Street on the north to 22nd Street on the south, from Lake Michigan on the east to Wentworth Avenue on the west.

''(ii) 22nd Street on the north to 35th Street on the south, from Lake Michigan on the east to the Dan Ryan Expressway on the west.

''(iii) 35th Street on the north to 47th Street on the south, from Lake Michigan on the east to the B&O Railroad (Stewart Avenue) on the west.

''(iv) 47th Street on the north to 55th Street on the south, from Cottage Grove Avenue on the east to the Dan Ryan Expressway on the west.

''(v) 55th Street on the north to 67th Street on the south, from State Street on the west to Cottage Grove Avenue/ South Chicago Avenue on the east.

''(vi) 67th Street on the North to 71st Street on the South, from Cottage Grove Avenue/ South Chicago Avenue on the west to the Metra Railroad tracks on the east.

''(C) LOCAL COORDINATING ENTITY.—The Black Metropolis National Heritage Area Commission shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(9) DOWNEAST MAINE NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Downeast Maine National Heritage Area in the State of Maine, consisting of Hancock and Washington Counties, Maine.

''(B) LOCAL COORDINATING ENTITY.—The Sunrise County Economic Council shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(10) NORTHERN NECK NATIONAL HERITAGE AREA, VIRGINIA.—

''(A) IN GENERAL.—There is established the Northern Neck National Heritage Area in the State of Virginia, as depicted on the map entitled 'Northern Neck National Heritage Area Proposed Boundary', numbered 671/177,224, and dated August 2021.

''(B) LOCAL COORDINATING ENTITY.—The Northern Neck Tourism Commission, a working committee of the Northern Neck Planning District Commission, shall serve as the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(11) ST. CROIX NATIONAL HERITAGE AREA, U.S. VIRGIN ISLANDS.—

''(A) IN GENERAL.—There is established on the island of St. Croix, U.S. Virgin Islands, the St. Croix National Heritage Area, consisting of the entire island of St. Croix.

''(B) LOCAL COORDINATING ENTITY.—The Virgin Islands State Historic Preservation Office shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(12) SOUTHERN CAMPAIGN OF THE REVOLUTION NATIONAL HERITAGE CORRIDOR, NORTH CAROLINA AND SOUTH CAROLINA.—

''(A) IN GENERAL.—There is established the Southern Campaign of the Revolution National Heritage Corridor in the States of North Carolina and South Carolina, as depicted on the map entitled 'Southern Campaign of the Revolution Proposed National Heritage Corridor', numbered 257/177,271, and dated September 2021.

''(B) LOCAL COORDINATING ENTITY.—The University of South Carolina shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(13) SOUTHERN MARYLAND NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Southern Maryland National Heritage Area in the State of Maryland, as depicted on the map entitled 'Southern Maryland National Heritage Area Proposed Boundary', numbered 672/177,225B, and dated November 2021.

''(B) LOCAL COORDINATING ENTITY.—The Tri-County Council for Southern Maryland shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).''.

(b) MANAGEMENT PLANS.—For the purposes of section 6001(c) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 772), the local coordinating entity for each of the National Heritage Areas designated under the amendment made by subsection (a) shall submit to the Secretary for approval a proposed management plan for the applicable National Heritage Area not later than 3 years after the date of enactment of this Act.

(c) TERMINATION OF AUTHORITY.—For the purposes of section 6001(g)(4) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 776), the authority of the Secretary to provide assistance under that section for each of the National Heritage Areas designated under the amendment made by subsection (a) shall terminate on the date that is 15 years after the date of enactment of this Act.

SEC. 5. EXTENSION OF CERTAIN NATIONAL HERITAGE AREA AUTHORITIES.

(a) EXTENSIONS.—

(1) ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR.—Section 126 of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (54 U.S.C. 320101 note; Public Law 98–398; 98 Stat. 1456; 120 Stat. 1853), as amended by section 119(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''September 30, 2037''.

(2) JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.—Section 10(a) of Public Law 99–647 (54 U.S.C. 320101 note; 100 Stat. 3630; 104 Stat. 1018; 128 Stat. 3804), as amended by section 119(b) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(3) DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.—Section 12 of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (54 U.S.C. 320101 note; Public Law 100–692; 102 Stat. 4558; 112 Stat. 3260; 123 Stat. 1293; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(c) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended—

(A) in subsection (c)(1), by striking ''2023'' and inserting ''2037''; and

(B) in subsection (d), by striking ''2023'' and inserting ''2037''.

(4) THE LAST GREEN VALLEY NATIONAL HERITAGE CORRIDOR.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (54 U.S.C. 320101 note; Public Law 103–449; 108 Stat. 4755; 113 Stat. 1728; 123 Stat. 1291; 128 Stat. 3802), as amended by section 119(d) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(5) NATIONAL COAL HERITAGE AREA.—Section 107 of the National Coal Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4244; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(6) TENNESSEE CIVIL WAR HERITAGE AREA.—Section 208 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4248; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(9) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(7) AUGUSTA CANAL NATIONAL HERITAGE CORRIDOR.—Section 310 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4252; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(7) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(8) RIVERS OF STEEL NATIONAL HERITAGE AREA.—Section 408 of the Steel Industry American Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4256; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(9) ESSEX NATIONAL HERITAGE AREA.—Section 507 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4260; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(3) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(10) SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.—Section 607 of the South Carolina National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4264; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(8) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(11) AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP.—Section 707 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4267; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(4) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(12) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Section 809 of the Ohio & Erie Canal National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4275; 122 Stat. 826; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(5) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(13) MAURICE D. HINCHEY HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.—Section 910 of division II of Public Law 104–333 (54 U.S.C. 320101 note; 110 Stat. 4281; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(6) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(14) MOTORCITIES NATIONAL HERITAGE AREA.—Section 109 of the Automobile National Heritage Area Act (54 U.S.C. 320101

note; Public Law 105–355; 112 Stat. 3252; 128 Stat. 3802), as amended by section 119(f) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(15) LACKAWANNA VALLEY NATIONAL HERITAGE AREA.—Section 108 of the Lackawanna Valley National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 818; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3802), as amended by section 119(g)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(16) SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA.—Section 209 of the Schuylkill River Valley Heritage Area Act (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 824; 128 Stat. 3802), as amended by section 119(g)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(17) WHEELING NATIONAL HERITAGE AREA.—Subsection (i) of the Wheeling National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–291; 114 Stat. 967; 128 Stat. 3802), as amended by section 119(h) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(18) YUMA CROSSING NATIONAL HERITAGE AREA.—Section 7 of the Yuma Crossing National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–319; 114 Stat. 1284; 128 Stat. 3802), as amended by section 119(i) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(19) ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.—Section 811 of the Erie Canalway National Heritage Corridor Act (54 U.S.C. 320101 note; Public Law 106–554; 114 Stat. 2763A–295; 128 Stat. 3802), as amended by section 119(j) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(20) BLUE RIDGE NATIONAL HERITAGE AREA.—Subsection (j) of the Blue Ridge National Heritage Area Act of 2003 (54 U.S.C. 320101 note; Public Law 108–108; 117 Stat. 1280; 133 Stat. 778), as amended by section 119(k) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(21) NATIONAL AVIATION HERITAGE AREA.—Section 512 of the National Aviation Heritage Area Act (54 U.S.C. 320101 note; Public Law 108–447; 118 Stat. 3367; 133 Stat. 2713) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2037''.

(22) OIL REGION NATIONAL HERITAGE AREA.—Section 608 of the Oil Region National Heritage Area Act (54 U.S.C. 320101 note; Public Law 108–447; 118 Stat. 3372; 133 Stat. 2713) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2037''.

(23) NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.—Section 208 of the Northern Rio Grande National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1790), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(24) ATCHAFALAYA NATIONAL HERITAGE AREA.—Section 221 of the Atchafalaya National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1795), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(25) ARABIA MOUNTAIN NATIONAL HERITAGE AREA.—Section 240 of the Arabia Mountain National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1799), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(26) MORMON PIONEER NATIONAL HERITAGE AREA.—Section 260 of the Mormon Pioneer National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1807), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(27) FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.—Section 269 of the Freedom's Frontier National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1813), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(28) UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.—Section 280B of the Upper Housatonic Valley National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1819), as amended by section 119(*l*)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(29) CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP.—Section 289 of the Champlain Valley National Heritage Partnership Act of 2006 (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(30) GREAT BASIN NATIONAL HERITAGE ROUTE.—Section 291J of the Great Basin National Heritage Route Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1831), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(31) GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.—Section 295L of the Gullah/Geechee Cultural Heritage Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1837), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(32) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297H of the Crossroads of the American Revolution National Heritage Area Act of 2006 (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1844), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(33) ABRAHAM LINCOLN NATIONAL HERITAGE AREA.—Section 451 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 824) is amended by striking ''the date that is 15 years after the date of the enactment of this subtitle'' and inserting ''September 30, 2037''.

(34) JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.—Section 411 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 809) is amended by striking ''the date that is 15 years after the date of enactment of this subtitle'' and inserting ''September 30, 2037''.

(35) NIAGARA FALLS NATIONAL HERITAGE AREA.—Section 432 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 818) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(36) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—Section 8001(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1229) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(37) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—Section 8002(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1234) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(38) SOUTH PARK NATIONAL HERITAGE AREA.—Section 8003(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1240) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(39) NORTHERN PLAINS NATIONAL HERITAGE AREA.—Section 8004(j) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1247; 123 Stat. 2929) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(40) BALTIMORE NATIONAL HERITAGE AREA.—

(A) EXTENSION.—Section 8005(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1253) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(B) BOUNDARY MODIFICATION.—

(i) MAP.—Section 8005(a)(4) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1247) is amended by striking ''entitled'' and all that follows through the period at the end and inserting ''entitled 'Baltimore National Heritage Area Proposed Boundary', numbered T10/179,623, and dated February 2022.''.

(ii) BOUNDARIES.—Section 8005(b)(2) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1247) is amended by striking subparagraph (A) and inserting the following:

''(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in July 2020.''.

(41) FREEDOM'S WAY NATIONAL HERITAGE AREA.—Section 8006(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1260) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(42) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—Section 8007(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C.

320101 note; Public Law 111–11; 123 Stat. 1267) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(43) MISSISSIPPI DELTA NATIONAL HERITAGE AREA.—Section 8008(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1275) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(44) MUSCLE SHOALS NATIONAL HERITAGE AREA.—Section 8009(j) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1282) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(45) KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—Section 8010(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1288) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each National Heritage Area extended under an amendment made by paragraphs (1) through (45) of subsection (a) not more than $1,000,000 for each of fiscal years 2023 through 2037, subject to any other applicable provisions of, but notwithstanding any limitation on total appropriations for the applicable National Heritage Area established by, a law amended by that subsection.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATIONAL HERITAGE AREAS.

(a) RIVERS OF STEEL NATIONAL HERITAGE AREA.—Section 409(a) of the Steel Industry American Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4256; 129 Stat. 2551; 133 Stat. 778) is amended, in the second sentence, by striking ''$20,000,000'' and inserting ''$22,000,000''.

(b) ESSEX NATIONAL HERITAGE AREA.—Section 508(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4260; 129 Stat. 2551; 133 Stat. 778) is amended, in the second sentence, by striking ''$20,000,000'' and inserting ''$22,000,000''.

(c) SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.—Section 608(a) of the South Carolina National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4264; 122 Stat. 824; 133 Stat. 2714) is amended, in the second sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(d) AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP.—Section 708(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4267; 122 Stat. 824; 134 Stat. 1505) is amended, in the second sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(e) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Section 810(a) of the Ohio & Erie Canal National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4275; 122 Stat. 826; 133 Stat. 778) is amended by striking ''$20,000,000'' and inserting ''$22,000,000''.

(f) MAURICE D. HINCHEY HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.—Section 909(c) of division II of Public Law 104–333 (54 U.S.C. 320101 note; 110 Stat. 4280; 122 Stat. 824) is amended, in the matter preceding paragraph (1), by striking ''$15,000,000'' and inserting ''$17,000,000''.

(g) MOTORCITIES NATIONAL HERITAGE AREA.—Section 110(a) of the Automobile National Heritage Area Act (54 U.S.C. 320101 note; Public Law 105–355; 112 Stat. 3252; 133 Stat. 778) is amended, in the second sentence, by striking ''$12,000,000'' and inserting ''$14,000,000''.

(h) WHEELING NATIONAL HERITAGE AREA.—Subsection (h)(1) of the Wheeling National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–291; 114 Stat. 967; 133 Stat. 778) is amended by striking ''$15,000,000'' and inserting ''$17,000,000''.

(i) THE LAST GREEN VALLEY NATIONAL HERITAGE CORRIDOR.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (54 U.S.C. 320101 note; Public Law 103–449; 108 Stat. 4756; 113 Stat. 1729; 123 Stat. 1292; 133 Stat. 2714) is amended, in the first sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(j) LACKAWANNA VALLEY NATIONAL HERITAGE AREA.—Section 109(a) of the Lackawanna Valley National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 818; 134 Stat. 1505) is amended by striking ''$12,000,000'' and inserting ''$14,000,000''.

(k) BLUE RIDGE NATIONAL HERITAGE AREA.—Subsection (i)(1) of the Blue Ridge National Heritage Area Act of 2003 (54 U.S.C. 320101 note; Public Law 108–108; 117 Stat. 1280; 133 Stat. 778) is amended by striking ''$14,000,000'' and inserting ''$16,000,000''.

SEC. 7. REDESIGNATIONS.

(a) SILOS & SMOKESTACKS NATIONAL HERITAGE AREA.—

(1) REDESIGNATION.—The America's Agricultural Heritage Partnership established by section 703(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4266) shall be known and designated as the ''Silos & Smokestacks National Heritage Area''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the partnership referred to in paragraph (1) shall be deemed to be a reference to the ''Silos & Smokestacks National Heritage Area''.

(b) GREAT BASIN NATIONAL HERITAGE AREA.—

(1) DESIGNATION OF THE GREAT BASIN NATIONAL HERITAGE AREA.—The Great Basin National Heritage Route Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824) is amended—

(A) by striking ''the Heritage Route'' each place it appears and inserting ''the Heritage Area'';

(B) by striking ''along'' each place it appears and inserting ''in'';

(C) in the subtitle heading, by striking ''**Route**'' and inserting ''**Area**'';

(D) in section 291, by striking ''Route'' and inserting ''Area'';

(E) in section 291A(a)—

(i) in paragraphs (2) and (3), by striking ''the Great Basin Heritage Route'' each place it appears and inserting ''the Great Basin National Heritage Area''; and

(ii) in paragraph (13), by striking ''a Heritage Route'' and inserting ''a Heritage Area'';

(F) in section 291B, by striking paragraph (2) and inserting the following:

''(2) HERITAGE AREA.—The term 'Heritage Area' means the Great Basin National Heritage Area established by section 291C(a).'';

(G) in section 291C—

(i) in the section heading, by striking ''**ROUTE**'' and inserting ''**AREA**''; and

(ii) in subsection (a), by striking ''Heritage Route'' and inserting ''Heritage Area''; and

(H) in section 291L(d), in the subsection heading, by striking ''IN HERITAGE ROUTE'' and inserting ''IN HERITAGE AREA''.

(2) DESIGNATION OF GREAT BASIN HERITAGE AREA PARTNERSHIP.—The Great Basin National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824) is amended by striking ''Great Basin Heritage Route Partnership'' each place it appears and inserting ''Great Basin Heritage Area Partnership''.

SEC. 8. EXTENSION OF DEADLINE TO COMPLETE CERTAIN MANAGEMENT PLANS.

Section 6001(c)(1) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (54 U.S.C. 320101 note; Public Law 116–9; 133 Stat. 772) is amended by striking ''3'' and inserting ''5''.

SA 6588. Mr. PADILLA (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

DIVISION—STATE, LOCAL, TRIBAL, AND TERRITORIAL FISCAL RECOVERY, INFRASTRUCTURE, AND DISASTER RELIEF FLEXIBILITY

SEC. 101. SHORT TITLE.

This division may be cited as the ''State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act''.

SEC. 102. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.), as amended by section 40909 of the Infrastructure Investment and Jobs Act, is amended—

(1) in section 602—

(A) in subsection (a)(1), by inserting ''(except as provided in subsection (c)(5))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraphs (3), (4), and (5)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such State, territory, or Tribal government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or

''(ii) $10,000,000;'';

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

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

''(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.''; and

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

''(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—

''(i) in the case of a project eligible under section 117 of title 23, United States Code, or

section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

''(I) to satisfy a non-Federal share requirement applicable to such a project; and

''(II) to repay a loan provided under such program.

''(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

''(i) A project eligible under section 117 of title 23, United States Code.

''(ii) A project eligible under section 119 of title 23, United States Code.

''(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(iv) A project eligible under section 133 of title 23, United States Code.

''(v) An activity to carry out section 134 of title 23, United States Code.

''(vi) A project eligible under section 148 of title 23, United States Code.

''(vii) A project eligible under section 149 of title 23, United States Code.

''(viii) A project eligible under section 151(f) of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(ix) A project eligible under section 165 of title 23, United States Code.

''(x) A project eligible under section 167 of title 23, United States Code.

''(xi) A project eligible under section 173 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xii) A project eligible under section 175 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xiii) A project eligible under section 176 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xiv) A project eligible under section 202 of title 23, United States Code.

''(xv) A project eligible under section 203 of title 23, United States Code.

''(xvi) A project eligible under section 204 of title 23, United States Code.

''(xvii) A project eligible under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

''(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

''(xix) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code.

''(xx) A project eligible under section 5307 of title 49, United States Code.

''(xxi) A project eligible under section 5309 of title 49, United States Code.

''(xxii) A project eligible under section 5311 of title 49, United States Code.

''(xxiii) A project eligible under section 5337 of title 49, United States Code.

''(xxiv) A project eligible under section 5339 of title 49, United States Code.

''(xxv) A project eligible under section 6703 of title 49, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xxvi) A project eligible under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(xxvii) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading 'HIGHWAY INFRASTRUCTURE PROGRAM' under the heading 'FEDERAL HIGHWAY ADMINISTRATION' under the heading 'DEPARTMENT OF TRANSPORTATION' under title VIII of division J of the Infrastructure Investment and Jobs Act.

''(C) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

''(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The total amount that a State, territory, or Tribal government may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

''(aa) $10,000,000; and

''(bb) 30 percent of such payment.

''(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

''(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).

''(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

''(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of subparagraph (B) that relates to broadband infrastructure;

''(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in subparagraph (B); and

''(III) a State government receiving a payment under this section may use funds provided under such payment for projects described in clauses (i) through (xxvii) of subparagraph (B), as applicable, that—

''(aa) demonstrate progress in achieving a state of good repair as required by the State's asset management plan under section 119(e) of title 23, United States Code; and

''(bb) support the achievement of 1 or more performance targets of the State established under section 150 of title 23, United States Code.

''(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

''(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a State, territory, or Tribal government for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

''(D) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by States, territories, and Tribal governments under subparagraph (A).

''(E) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''; and

(2) in subsection 603—

(A) in subsection (a), by inserting ''(except as provided in subsection (c)(6))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), (5), and (6)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county to the emergency; or

''(ii) $10,000,000;'';

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

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

''(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.''; and

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

''(6) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(5), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (B)(iv)—

''(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

''(I) to satisfy a non-Federal share requirement applicable to such a project; and

''(II) to repay a loan provided under such program.

''(B) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

''(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The total amount that a metropolitan city, nonentitlement unit of local government, or county may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

''(aa) $10,000,000; and

''(bb) 30 percent of such payment.

''(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

''(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of section 602(c)(5)(B).

''(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

''(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of section 602(c)(5)(B) that relates to broadband infrastructure; and

''(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in section 602(c)(5)(B).

''(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

''(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a metropolitan city, nonentitlement unit of local government, or county for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

''(C) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by metropolitan cities, nonentitlement units of local government, or counties under subparagraph (A).

''(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''.

(b) TECHNICAL AMENDMENTS.—Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking ''paragraph (17) of''.

(c) GUIDANCE AND EFFECTIVE DATE.—

(1) GUIDANCE OR RULE.—Within 60 days of the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall issue guidance or promulgate a rule to carry out the amendments made by this section, including updating reporting requirements on the use of funds under this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the issuance of guidance or the promulgation of a rule described in paragraph (1).

(d) DEPARTMENT OF THE TREASURY ADMINISTRATIVE EXPENSES.—

(1) REDUCTION OF FUNDS AVAILABLE FOR ADMINISTRATIVE EXPENSES.—Title IV of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(A) in section 4003(f), by striking ''$100,000,000'' and inserting ''61,000,000''; and

(B) in section 4112(b), by striking ''$100,000,000'' and inserting ''$67,000,000''.

(2) AUTHORITY.—Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the ''Secretary'') for administrative expenses pursuant to the provisions specified in paragraph (3) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for the purpose described in paragraph (4) (subject to the limitation in such paragraph) and for administrative expenses of the Department of the Treasury, except for the Internal Revenue Service, determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of—

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(C) the American Rescue Plan Act (Public Law 117–2); or

(D) title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(3) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:

(A) Amounts made available under section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9061(a)) to pay costs and administrative expenses under section 4003(f) of such Act (15 U.S.C. 9042(f))) and amounts made available by section 4120(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080) to pay costs and administrative expenses under section 4112(b) of such Act (15 U.S.C. 9072(b)) (after application of the amendments made by paragraph (1) of this subsection).

(B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(C) Sections 3201(a)(2)(B), 3206(d)(1)(A), and 7301(b)(5) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(D) Section 602(a)(2) of the Social Security Act (42 U.S.C. 802(a)(2)).

(4) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS.—Of amounts made available under paragraph (2), up to $10,600,000 shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for making payments to eligible revenue sharing consolidated governments under subsection (g) of section 605 of the Social Security Act (42 U.S.C. 805), as added by section 103 of this Act.

SEC. 103. ALLOWING PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS FROM LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.

(a) IN GENERAL.—Section 605 of the Social Security Act (42 U.S.C. 805) is amended by adding at the end the following new subsection:

''(g) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS.—

''(1) PAYMENTS TO ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENTS FOR FISCAL YEARS 2023 AND 2024.—The Secretary shall allocate and pay to each eligible revenue sharing consolidated government for each of fiscal years 2023 and 2024 an amount equal to the amount that the Secretary would have allocated to such eligible revenue sharing consolidated government for fiscal year 2022 if all eligible revenue sharing consolidated governments had been treated as eligible revenue sharing counties for purposes of being eligible for payments under subsection (b)(1) for such fiscal year using the allocation methodology adopted by the Department of the Treasury for such eligible revenue sharing counties as of the date of enactment of this subsection.

''(2) FUNDING FOR PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make the allocations and payments described in paragraph (1) from the amounts described in subparagraph (B), which shall be available to the Secretary for such purpose notwithstanding any other provision of law.

''(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are the following:

''(i) Any amount allocated to an eligible revenue sharing county under subsection (b)(1) for fiscal year 2022 or 2023 that, as of January 31, 2023, has not been requested by such county.

''(ii) Amounts made available to the Secretary under section 102(d)(4) of the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act.''.

(b) CONFORMING AMENDMENTS.—Section 605 of the Social Security Act (42 U.S.C. 805), as amended by subsection (a), is further amended—

(1) in subsection (a), by inserting '', subject to subsection (g),'' after ''obligated'';

(2) in subsection (c), by striking ''or an eligible Tribal government'' and inserting '', an eligible Tribal government, or an eligible revenue sharing consolidated government'';

(3) in subsections (d) and (e), by inserting ''or eligible revenue sharing consolidated government'' after ''eligible revenue sharing county'' each place it appears; and

(4) in subsection (f)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

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

''(1) ELIGIBLE REVENUE SHARING CONSOLIDATED GOVERNMENT.—The term 'eligible revenue sharing consolidated government' means a county, parish, or borough—

''(A) that has been classified by the Bureau of the Census as an active government consolidated with another government; and

''(B) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program.''.

SEC. 104. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting ''(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)'' before the period.

SEC. 105. RESCISSION OF CORONAVIRUS RELIEF AND RECOVERY FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

''SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

''(a) RESCISSION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

''(2) EXCLUSION.—Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 603 for distribution to nonentitlement units of local government.

''(3) RULES OF CONSTRUCTION.—Paragraph (1) shall not be construed as—

''(A) preventing a sub-State governmental entity, including a nonentitlement unit of local government, from notifying the Secretary of the Treasury that the sub-State governmental entity intends to decline all or a portion of the amounts that a State may distribute to the entity from funds appropriated under this title; or

''(B) allowing a State to prohibit or otherwise prevent a sub-State governmental entity from providing such a notice.

''(b) USE FOR DEFICIT REDUCTION.—Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

''(c) STATE OR OTHER GOVERNMENTAL ENTITY DEFINED.—In this section, the term 'State, territory, or other governmental entity' means any entity to which a payment may be made directly to the entity under this title other than a Tribal government, as defined in sections 601(g), 602(g), and 604(d), and an eligible Tribal government, as defined in section 605(f).''.

SA 6589. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 6552 proposed by Mr. LEAHY to the bill H.R. 2617, to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION KK—AFFORDABLE AND SECURE FOOD ACT OF 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Affordable and Secure Food Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE

Subtitle A—Temporary Status for Certified Agricultural Workers

SEC. 101. CERTIFIED AGRICULTURAL WORKER STATUS.

(a) REQUIREMENTS FOR CERTIFIED AGRICULTURAL WORKER STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may grant certified agricultural worker status to an alien who submits a completed application, including the required processing fees, before the end of the period set forth in subsection (c) and who—

(A) performed agricultural labor or services in the United States for at least 1,035 hours (or 180 work days) during the 2-year period preceding the date of the enactment of this Act;

(B) on the date of the enactment of this Act—

(i) is inadmissible or deportable from the United States; or

(ii) is under a grant of deferred enforced departure, has been paroled into the United States, or has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a);

(C) subject to section 104, has been continuously present in the United States since the date of the enactment of this Act and until the date on which the alien is granted certified agricultural worker status; and

(D) is not otherwise ineligible for certified agricultural worker status as provided in subsection (b).

(2) DEPENDENT SPOUSE AND CHILDREN.—The Secretary may grant certified agricultural dependent status to the spouse or child of an alien granted certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status as provided in subsection (b).

(b) GROUNDS FOR INELIGIBILITY.—

(1) GROUNDS OF INADMISSIBILITY.—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker or certified agricultural dependent status if the Secretary determines that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining inadmissibility—

(A) paragraphs (4), (5), (7), and (9)(B) of such section shall not apply;

(B) subparagraphs (A), (C), (D), (F), and (G) of such section 212(a)(6) and paragraphs (9)(C) and (10)(B) of such section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of the enactment of this Act; and

(C) paragraphs (6)(B) and (9)(A) of such section 212(a) shall not apply unless the relevant conduct began on or after the date of filing of the application for certified agricultural worker status.

(2) ADDITIONAL CRIMINAL BARS.—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker status or certified agricultural dependent status if the Secretary determines that (other than any offense under State law for which an essential element is the alien's immigration status, simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, any offense involving civil disobedience without violence, and any minor traffic offense) the alien has been convicted of—

(A) any felony offense;

(B) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) at the time of the conviction);

(C) 2 misdemeanor offenses involving moral turpitude (as described in section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)(I))), unless an offense is waived by the Secretary under paragraph (3)(B); or

(D) 3 or more misdemeanor offenses not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct.

(3) WAIVERS FOR CERTAIN GROUNDS OF INADMISSIBILITY.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may waive the grounds of inadmissibility under—

(A) paragraph (1), (6)(E), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or

(B) subparagraphs (A) and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless inadmissibility is based on a conviction that would otherwise render the alien ineligible under subparagraph (A), (B), or (D) of paragraph (2).

(c) APPLICATION.—

(1) APPLICATION PERIOD.—Except as provided in paragraph (2), the Secretary shall accept initial applications for certified agricultural worker status during the 18-month period beginning on the date on which the

interim final rule is published in the Federal Register pursuant to section 122(a).

(2) EXTENSION.—If the Secretary determines, during the initial period described in paragraph (1), that additional time is required to process initial applications for certified agricultural worker status or for other good cause, the Secretary may extend the period for accepting applications for up to an additional 12 months.

(3) SUBMISSION OF APPLICATIONS.—

(A) IN GENERAL.—An alien may file an application with the Secretary under this section with the assistance of an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations. The Secretary shall also create a procedure for accepting applications filed by qualified designated entities with the consent of the applicant.

(B) FARM SERVICE AGENCY OFFICES.—The Secretary, in consultation with the Secretary of Agriculture, shall establish a process for the filing of applications under this section at Farm Service Agency offices throughout the United States.

(4) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving an application for certified agricultural worker status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is employing the holder of such document to perform agricultural labor or services, pending a final administrative decision on the application.

(5) EFFECT OF PENDING APPLICATION.—During the period beginning on the date on which an alien applies for certified agricultural worker status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included in the application—

(A) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(B) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for certified agricultural worker status;

(C) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(6) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request from the applicant to withdraw an application for certified agricultural worker status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this division or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(7) PROCESSING FEE.—A principal alien, his or her spouse, or his or her child who submits an application for certified agricultural worker states under this subtitle shall pay a $250 processing fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C.1356(m)).

(d) ADJUDICATION AND DECISION.—

(1) IN GENERAL.—Subject to section 123, the Secretary shall render a decision on an application for certified agricultural worker status not later than 180 days after the date the application is filed.

(2) NOTICE.—Before denying an application for certified agricultural worker status, the Secretary shall provide the alien with—

(A) written notice that describes the basis for ineligibility or the deficiencies in the evidence submitted; and

(B) at least 90 days to contest ineligibility or submit additional evidence.

(3) AMENDED APPLICATION.—An alien whose application for certified agricultural worker status is denied under this section may submit an amended application for such status to the Secretary if the amended application is submitted within the application period described in subsection (c) and contains all the required information and fees that were missing from the initial application.

(e) ALTERNATIVE H–2A STATUS.—An alien who has not met the required period of agricultural labor or services under subsection (a)(1)(A), but is otherwise eligible for certified agricultural worker status under such subsection, shall be eligible for classification as a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) upon approval of a petition submitted by a sponsoring employer, if the alien has performed at least 690 hours (or 120 work days) of agricultural labor or services during the 3-year period preceding the date of the enactment of this Act. The Secretary shall create a procedure to provide for such classification without requiring the alien to depart the United States and obtain a visa abroad.

SEC. 102. TERMS AND CONDITIONS OF CERTIFIED STATUS.

(a) IN GENERAL.—

(1) APPROVAL.—Upon approval of an application for certified agricultural worker status, or an extension of such status pursuant to section 103, the Secretary shall issue—

(A) documentary evidence of such status to the applicant; and

(B) documentary evidence of certified agricultural dependent status to any qualified dependent included on such application.

(2) DOCUMENTARY EVIDENCE.—In addition to any other features and information as the Secretary may prescribe, the documentary evidence described in paragraph (1)—

(A) shall be machine-readable and tamper-resistant;

(B) shall contain a digitized photograph;

(C) shall serve as a valid travel and entry document for purposes of applying for admission to the United States; and

(D) shall be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)).

(3) VALIDITY PERIOD.—Certified agricultural worker and certified agricultural dependent status shall be valid for 5½ years beginning on the date of approval.

(4) TRAVEL AUTHORIZATION.—An alien with certified agricultural worker or certified agricultural dependent status may—

(A) travel within and outside of the United States, including commuting to the United States from a residence in a foreign country; and

(B) be admitted to the United States upon return from travel abroad without first obtaining a visa if the alien is in possession of—

(i) valid, unexpired documentary evidence of certified agricultural worker or certified agricultural worker dependent status as described in subsection (a); or

(ii) a travel document that has been approved by the Secretary and was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed.

(b) ABILITY TO CHANGE STATUS.—

(1) CHANGE TO CERTIFIED AGRICULTURAL WORKER STATUS.—Notwithstanding section 101(a), an alien with valid certified agricultural dependent status may apply to change to certified agricultural worker status, at any time, if the alien—

(A) submits a completed application, including the required processing fees; and

(B) is not ineligible for certified agricultural worker status under section 101(b).

(2) CLARIFICATION.—Nothing in this title prohibits an alien granted certified agricultural worker or certified agricultural dependent status from changing status to any other immigrant or nonimmigrant classification for which the alien may be eligible.

(c) PUBLIC BENEFITS, TAX BENEFITS, AND HEALTH CARE SUBSIDIES.—Aliens granted certified agricultural worker or certified agricultural dependent status—

(1) shall be considered lawfully present in the United States for all purposes for the duration of their status;

(2) shall be eligible for Federal means-tested public benefits to the same extent as other individuals who are not qualified aliens under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641);

(3) are entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 (26 U.S.C. 36B);

(4) shall not be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(5) shall not be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 5000A(d)(3)).

(d) REVOCATION OF STATUS.—

(1) IN GENERAL.—The Secretary may revoke certified agricultural worker or certified agricultural dependent status if, after providing notice to the alien and the opportunity to provide evidence to contest the proposed revocation, the Secretary determines that the alien no longer meets the eligibility requirements for such status under section 101(b).

(2) INVALIDATION OF DOCUMENTATION.—Upon the Secretary's final determination to revoke an alien's certified agricultural worker or certified agricultural dependent status, any documentation issued by the Secretary to such alien under subsection (a) shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 103. EXTENSIONS OF CERTIFIED STATUS.

(a) REQUIREMENTS FOR EXTENSIONS OF STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may extend certified agricultural worker status for additional periods of 5 ½ years to an alien who submits a completed application, including the required processing fees, within the 120-day period beginning 60 days before the expiration of the fifth year of the immediately preceding grant of certified agricultural worker status, if the alien—

(A) except as provided in section 126(c), has performed agricultural labor or services in the United States for at least 690 hours (or 120 work days) for each of the prior 5 years in which the alien held certified agricultural worker status; and

(B) has not become ineligible for certified agricultural worker status under section 101(b).

(2) DEPENDENT SPOUSE AND CHILDREN.—The Secretary may grant or extend certified agricultural dependent status to the spouse or child of an alien granted an extension of certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status under section 101(b).

(3) WAIVER FOR LATE FILINGS.—The Secretary may waive an alien's failure to timely file before the expiration of the 120-day period described in paragraph (1) if the alien demonstrates that the delay was due to extraordinary circumstances beyond the alien's control or for other good cause.

(b) STATUS FOR WORKERS WITH PENDING APPLICATIONS.—

(1) IN GENERAL.—Certified agricultural worker status of an alien who timely files an application to extend such status under subsection (a) (and the status of the alien's dependents) shall be automatically extended through the date on which the Secretary makes a final administrative decision regarding such application.

(2) DOCUMENTATION OF EMPLOYMENT AUTHORIZATION.—As soon as practicable after receipt of an application to extend certified agricultural worker status under subsection (a), the Secretary shall issue a document to the alien acknowledging the receipt of such application. An employer of the worker may not refuse to accept such document as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(c) NOTICE.—Prior to denying an application to extend certified agricultural worker status, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

SEC. 104. DETERMINATION OF CONTINUOUS PRESENCE.

(a) EFFECT OF NOTICE TO APPEAR.—The continuous presence in the United States of an applicant for certified agricultural worker status under section 101 shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous presence in the United States under this subtitle if the alien departed the United States for any period exceeding 90 days, or for any periods, in the aggregate, exceeding 180 days.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a spouse, parent, son or daughter, grandparent, or sibling of the alien.

(3) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary shall not be counted toward any period of departure from the United States under paragraph (1).

SEC. 105. EMPLOYER OBLIGATIONS.

(a) RECORD OF EMPLOYMENT.—An employer of an alien in certified agricultural worker status shall provide such alien with a written record of employment each year during which the alien provides agricultural labor or services to such employer as a certified agricultural worker.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—If the Secretary determines, after notice and an opportunity for a hearing, that an employer of an alien with certified agricultural worker status has knowingly failed to provide the record of employment required under subsection (a), or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed $400 per violation.

(2) LIMITATION.—The penalty under paragraph (1) for failure to provide employment records shall not apply unless the alien has provided the employer with evidence of employment authorization described in section 102 or 103.

(3) DEPOSIT OF CIVIL PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for certified agricultural worker status under this subtitle, an application to extend such status, or a revocation of such status.

(b) ADMISSIBILITY IN IMMIGRATION COURT.—Each record of an alien's application for certified agricultural worker status under this subtitle, application to extend such status, revocation of such status, and each record created pursuant to the administrative review process under subsection (a) is admissible in immigration court, and shall be included in the administrative record.

(c) JUDICIAL REVIEW.—Notwithstanding any other provision of law, judicial review of the Secretary's decision to deny an application for certified agricultural worker status, an application to extend such status, or the decision to revoke such status, shall be limited to the review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

Subtitle B—Optional Earned Residence for Long-Term Workers

SEC. 111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-TERM AGRICULTURAL WORKERS.

(a) REQUIREMENTS FOR ADJUSTMENT OF STATUS.—

(1) PRINCIPAL ALIENS.—The Secretary may adjust the status of an alien from that of a certified agricultural worker to that of a lawful permanent resident if the alien submits a completed application, including the required processing and penalty fees, and the Secretary determines that—

(A) except as provided in section 126(c), the alien performed agricultural labor or services for not less than 690 hours (or 120 work days) each year for at least 10 years and for at least 4 years while in certified agricultural worker status; and

(B) the alien has not become ineligible for certified agricultural worker status under section 101(b).

(2) DEPENDENT ALIENS.—

(A) IN GENERAL.—The spouse and each child of an alien described in paragraph (1) whose status has been adjusted to that of a lawful permanent resident may be granted lawful permanent residence under this subtitle if—

(i) the qualifying relationship to the principal alien existed on the date on which such alien was granted adjustment of status under this subtitle; and

(ii) the spouse or child is not ineligible for certified agricultural worker dependent status under section 101(b).

(B) PROTECTIONS FOR SPOUSES AND CHILDREN.—The Secretary shall establish procedures to allow the spouse or child of a certified agricultural worker to self-petition for lawful permanent residence under this subtitle in cases involving—

(i) the death of the certified agricultural worker, so long as the spouse or child submits a petition not later than 2 years after the date of the worker's death; or

(ii) the spouse or a child being battered or subjected to extreme cruelty by the certified agricultural worker.

(3) DOCUMENTATION OF WORK HISTORY.—

(A) IN GENERAL.—An applicant for adjustment of status under this section shall not be required to resubmit evidence of work history that has been previously submitted to the Secretary in connection with an approved extension of certified agricultural worker status.

(B) PRESUMPTION OF COMPLIANCE.—The Secretary shall presume that the work requirement has been met if the applicant attests, under penalty of perjury, that he or she—

(i) has satisfied the requirement;

(ii) demonstrates presence in the United States during the most recent 10-year period; and

(iii) presents documentation demonstrating compliance with the work requirement while the applicant was in certified agricultural worker status.

(b) PENALTY FEE.—In addition to any processing fee that the Secretary may assess in accordance with section 122(b), a principal alien seeking adjustment of status under this subtitle shall pay a $750 penalty fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(c) EFFECT OF PENDING APPLICATION.—During the period beginning on the date on which an alien applies for adjustment of status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included on the application—

(1) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(2) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for adjustment of status under subsection (a);

(3) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(4) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(d) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving an application for adjustment of status under this subtitle, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(e) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request to withdraw an application for adjustment of

status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this division or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 112. PAYMENT OF TAXES.

(a) IN GENERAL.—An alien may not be granted adjustment of status under this subtitle unless the applicant has satisfied any applicable Federal tax liability.

(b) COMPLIANCE.—An alien may demonstrate compliance with subsection (a) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

SEC. 113. ADJUDICATION AND DECISION; REVIEW.

(a) IN GENERAL.—Subject to the requirements of section 123, the Secretary shall render a decision on an application for adjustment of status under this subtitle not later than 180 days after the date on which the application is filed.

(b) NOTICE.—Prior to denying an application for adjustment of status under this subtitle, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

(c) ADMINISTRATIVE REVIEW.—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for adjustment of status under this subtitle.

(d) JUDICIAL REVIEW.—Notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status under this title in an appropriate United States district court.

Subtitle C—General Provisions

SEC. 121. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) AGRICULTURAL LABOR OR SERVICES.—The term ''agricultural labor or services'' means—

(A) agricultural labor or services (as such term is used in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))), without regard to whether the labor or services are of a seasonal or temporary nature; and

(B) agricultural employment (as such term is defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802)), and including employment with any agricultural cooperative, without regard to whether the specific service or activity is temporary or seasonal.

(3) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 beginning on the date on which the applicant was authorized to work in the United States as a certified agricultural worker.

(4) APPROPRIATE UNITED STATES DISTRICT COURT.—The term ''appropriate United States district court'' means the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien's principal place of residence.

(5) CHILD.—The term ''child'' has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(6) CONVICTED OR CONVICTION.—The term ''convicted'' or ''conviction'' does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

(7) EMPLOYER.—The term ''employer'' means any person or entity, including any labor contractor or any agricultural association, that employs workers in agricultural labor or services.

(8) QUALIFIED DESIGNATED ENTITY.—The term ''qualified designated entity'' means—

(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

(B) any other entity that the Secretary designates as having substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of application for adjustment of status under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(10) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural labor or services.

SEC. 122. RULEMAKING; FEES.

(a) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, an interim final rule implementing this title. Notwithstanding section 553 of title 5, United States Code, the rule shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for comment. The Secretary shall finalize such rule not later than 1 year after the date of the enactment of this Act.

(b) FEES.—

(1) IN GENERAL.—The Secretary may require an alien applying for any benefit under this title to pay a reasonable fee that is commensurate with the cost of processing the application.

(2) FEE WAIVER; INSTALLMENTS.—

(A) IN GENERAL.—The Secretary shall establish procedures to allow an alien to—

(i) request a waiver of any fee that the Secretary may assess under this title if the alien demonstrates to the satisfaction of the Secretary that the alien is unable to pay the prescribed fee; or

(ii) pay any fee or penalty that the Secretary may assess under this title in installments.

(B) CLARIFICATION.—Nothing in this section shall be read to prohibit an employer from paying any fee or penalty that the Secretary may assess under this title on behalf of an alien and the alien's spouse or children.

SEC. 123. BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant or extend certified agricultural worker or certified agricultural dependent status under subtitle A, or grant adjustment of status to that of a lawful permanent resident under subtitle B, unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who cannot provide all required biometric or biographic data because of a physical impairment.

(b) BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for status under this title. An alien may not be granted any such status under this title unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

SEC. 124. PROTECTION FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this title, a determination of whether an alien is a child shall be made using the age of the alien on the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

(b) LIMITATION.—Subsection (a) shall apply for no more than 10 years after the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

SEC. 125. LIMITATION ON REMOVAL.

(a) IN GENERAL.—An alien who appears to be prima facie eligible for status under this title shall be given a reasonable opportunity to apply for such status. Such an alien may not be placed in removal proceedings or removed from the United States until a final administrative decision establishing ineligibility for such status is rendered.

(b) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of the law, the Attorney General shall (upon motion by the Secretary with the consent of the alien, or motion by the alien) terminate removal proceedings, without prejudice, against an alien who appears to be prima facie eligible for status under this title, and provide such alien a reasonable opportunity to apply for such status.

(c) EFFECT OF FINAL ORDER.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall notify the Attorney General of such approval, and the Attorney General shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(d) EFFECT OF DEPARTURE.—Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien who departs the United States—

(1) with advance permission to return to the United States granted by the Secretary under this title; or

(2) after having been granted certified agricultural worker status or lawful permanent resident status under this title.

SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HISTORY.

(a) BURDEN OF PROOF.—An alien applying for certified agricultural worker status under subtitle A or adjustment of status under subtitle B has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101, 103, or 111, as applicable. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(b) EVIDENCE.—An alien may meet the burden of proof under subsection (a) by producing sufficient evidence to show the extent of such employment as a matter of just and reasonable inference. Such evidence may include—

(1) an annual record of certified agricultural worker employment as described in section 105(a), or other employment records from employers;

(2) employment records maintained by collective bargaining associations;

(3) tax records or other government records;

(4) sworn affidavits from individuals who have direct knowledge of the alien's work history; or

(5) any other documentation designated by the Secretary for such purpose.

(c) EXCEPTIONS FOR EXTRAORDINARY CIRCUMSTANCES.—

(1) IMPACT OF COVID–19.—

(A) IN GENERAL.—The Secretary may grant certified agricultural worker status to an alien who is otherwise eligible for such status if such alien is able to only partially satisfy the requirement under section 101(a)(1)(A) as a result of reduced hours of employment or other restrictions associated with the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

(B) LIMITATION.—The exception described in subparagraph (A) shall apply only to agricultural labor or services required to be performed during the period that—

(i) begins on the first day of the public health emergency described in subparagraph (A); and

(ii) ends 90 days after the date on which such public health emergency terminates.

(2) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under section 103(a)(1)(A) or 111(a)(1)(A), the Secretary may credit the alien with not more than 690 hours (or 120 work days) of agricultural labor or services in the United States if the alien was unable to perform the required agricultural labor or services due to—

(A) pregnancy, parental leave, illness, disease, disabling injury, or physical limitation of the alien;

(B) injury, illness, disease, or other special needs of the alien's child or spouse;

(C) severe weather conditions that prevented the alien from engaging in agricultural labor or services;

(D) reduced hours of employment or other restrictions associated with a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(E) termination from agricultural employment, if the Secretary determines that—

(i) the termination was without just cause; and

(ii) the alien was unable to find alternative agricultural employment after a reasonable job search.

(3) EFFECT OF DETERMINATION.—A determination under paragraph (1)(E) shall not be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party.

(4) HARDSHIP WAIVER.—

(A) IN GENERAL.—As part of the rulemaking described in section 122(a), the Secretary shall establish procedures allowing for a partial waiver of the requirement under section 111(a)(1)(A) for a certified agricultural worker if such worker—

(i) has continuously maintained certified agricultural worker status since the date such status was initially granted;

(ii) has partially completed the requirement under section 111(a)(1)(A); and

(iii) is no longer able to engage in agricultural labor or services safely and effectively because of—

(I) a permanent disability suffered while engaging in agricultural labor or services; or

(II) deteriorating health or physical ability combined with advanced age.

(B) DISABILITY.—In establishing the procedures described in subparagraph (A), the Secretary shall consult with the Secretary of Health and Human Services and the Commissioner of Social Security to define ''permanent disability'' for purposes of a waiver under subparagraph (A)(iii)(I).

(d) EQUINES.—In determining whether an alien has met the requirement under section 101(e), 103(a)(1)(A), or 111(a)(1)(A), the Secretary may credit the alien for performing activities related to equines, including the breeding, grooming, training, care, feeding, management, competition, and racing of equines.

SEC. 127. EMPLOYER PROTECTIONS.

(a) CONTINUING EMPLOYMENT.—An employer that continues to employ an alien knowing that the alien intends to apply for certified agricultural worker status under subtitle A shall not violate section 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(2)) by continuing to employ the alien for the duration of the application period described in section 101(c), and with respect to an alien who applies for certified agricultural status, for the duration of the period during which the alien's application is pending final determination.

(b) USE OF EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for certified agricultural worker or adjustment of status under this title may not be used in a civil or criminal prosecution or investigation of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the outcome of such application.

(c) ADDITIONAL PROTECTIONS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment in support of an application for certified agricultural worker status or adjustment of status under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. Records or other evidence of employment provided by employers in response to a request for such records for the purpose of establishing eligibility for status under this title may not be used for any purpose other than establishing such eligibility.

(d) LIMITATION ON PROTECTION.—The protections for employers under this section shall not apply if the employer provides employment records to the alien that are determined to be fraudulent.

SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS; CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

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

''(D) who is granted certified agricultural worker status, certified agricultural dependent status, or lawful permanent resident status under title I of the Affordable and Secure Food Act of 2022,''; and

(4) in the undesignated matter following subparagraph (D), as added by paragraph (3), by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted status under title I of the Affordable and Secure Food Act of 2022.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 210(a)(1) of the Social Security Act (42 U.S.C. 410(a)(1)) is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2022''.

(2) INTERNAL REVENUE CODE OF 1986.—Section 3121(b)(1) of the Internal Revenue Code of 1986 is amended by inserting before the semicolon the following: ''(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2022''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to service performed after the date of the enactment of this Act.

(d) AUTOMATED SYSTEM TO ASSIGN SOCIAL SECURITY ACCOUNT NUMBERS.—Section 205(c)(2)(B) of the Social Security Act (42 U.S.C. 405(c)(2)(B)) is amended by adding at the end the following:

''(iv) The Commissioner of Social Security shall, to the extent practicable, coordinate with the Secretary of the Department of Homeland Security to implement an automated system for the Commissioner to assign social security account numbers to aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2022. An alien who is granted such status, and who was not previously assigned a social security account number, shall request assignment of a social security account number and a social security card from the Commissioner through such system. The Secretary shall collect and provide to the Commissioner such information as the Commissioner deems necessary for the Commissioner to assign a social security account number, which information may be used by the Commissioner for any purpose for which the Commissioner is otherwise authorized under Federal law. The Commissioner may maintain, use, and disclose such information only as permitted by the Privacy Act and other Federal law.''.

SEC. 129. DISCLOSURES AND PRIVACY.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review) for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review), may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), information provided in an application for certified agricultural worker status or adjustment of status under this title may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application under this title;

(2) to identify or prevent fraudulent claims or schemes;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(e) PRIVACY.—The Secretary shall ensure that appropriate administrative and physical safeguards are in place to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to this title.

SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.

(a) CRIMINAL PENALTY.—Any person who—

(1) files an application for certified agricultural worker status or adjustment of status under this title and knowingly falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(2) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(b) INADMISSIBILITY.—An alien who is convicted under subsection (a) shall be deemed inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(c) DEPOSIT.—Fines collected under subsection (a) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

SEC. 131. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Beginning not later than the first day of the application period described in section 101(c)—

(1) the Secretary of Homeland Security, in cooperation with qualified designated entities, shall broadly disseminate information described in subsection (b); and

(2) the Secretary of Agriculture, in consultation with the Secretary of Homeland Security and the Secretary of Labor, shall disseminate to agricultural employers a document containing the information described in subsection (b) for posting at employer worksites.

(b) INFORMATION DESCRIBED.—The information described in this subsection shall include—

(1) the benefits that aliens may receive under this title; and

(2) the requirements that an alien must meet to receive such benefits.

SEC. 132. EXEMPTION FROM NUMERICAL LIMITATIONS.

The numerical limitations under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) shall not apply to the adjustment of aliens to lawful permanent resident status under this title, and such aliens shall not be counted toward any such numerical limitation.

SEC. 133. REPORTS TO CONGRESS.

Not later than 180 days after the publication of the final rule under section 122(a), and annually thereafter for the following 10 years, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that identifies, for the previous fiscal year—

(1) the number of principal aliens who applied for certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(2) the number of principal aliens who were granted certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status;

(3) the number of principal aliens who applied for an extension of their certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(4) the number of principal aliens who were granted an extension of certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status under such an extension;

(5) the number of principal aliens who applied for adjustment of status under subtitle B, and the number of dependent spouses and children included in such applications;

(6) the number of principal aliens who were granted lawful permanent resident status under subtitle B, and the number of spouses and children who were granted such status as dependents;

(7) the number of principal aliens included in petitions described in section 101(e), and the number of dependent spouses and children included in such applications; and

(8) the number of principal aliens who were granted H–2A status pursuant to petitions described in section 101(e), and the number of dependent spouses and children who were granted H–4 status.

SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants, on a competitive basis, to eligible nonprofit organizations to assist eligible applicants under this title by providing them with the services described in subsection (c).

(b) ELIGIBLE NONPROFIT ORGANIZATION.—In this section, the term ''eligible nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (excluding a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated qualifications, experience, and expertise in providing quality services to farm workers or aliens.

(c) USE OF FUNDS.—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of certified agricultural worker status authorized under this title; and

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for certified agricultural worker status or adjustment of status under this title, including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications, including providing assistance in obtaining necessary documents and supporting evidence; and

(C) providing any other assistance that the Secretary determines useful to assist aliens in applying for certified agricultural worker status or adjustment of status under this title.

(d) SOURCE OF FUNDS.—In addition to any funds appropriated to carry out this section, the Secretary shall use up to $10,000,000 from the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to carry out this section.

(e) ELIGIBILITY FOR SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for status under this title or to an alien granted such status.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary, such sums as may be necessary to implement this title, including any amounts needed for costs associated with the initiation of such implementation, for each of fiscal years 2023 through 2025.

TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE

Subtitle A—Reforming the H–2A Temporary Worker Program

SEC. 201. COMPREHENSIVE AND STREAMLINED ELECTRONIC H–2A PLATFORM.

(a) STREAMLINED H–2A PLATFORM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall ensure the establishment of an electronic platform through which a petition for an H–2A worker may be filed. Such platform shall—

(A) serve as a single point of access for an employer to input all information and supporting documentation required for obtaining labor certification from the Secretary of Labor and the adjudication of the H–2A petition by the Secretary of Homeland Security;

(B) serve as a single point of access for the Secretary of Homeland Security, the Secretary of Labor, and State workforce agencies to concurrently perform their respective review and adjudicatory responsibilities in the H–2A process;

(C) facilitate communication between employers and agency adjudicators, including by allowing employers to—

(i) receive and respond to notices of deficiency and requests for information;

(ii) submit requests for inspections and licensing;

(iii) receive notices of approval and denial; and

(iv) request reconsideration or appeal of agency decisions; and

(D) provide information to the Secretary of State and U.S. Customs and Border Protection necessary for the efficient and secure processing of H–2A visas and applications for admission.

(2) OBJECTIVES.—In developing the platform described in paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall streamline and improve the H–2A process, including by—

(A) eliminating the need for employers to submit duplicate information and documentation to multiple agencies;

(B) eliminating redundant processes, where a single matter in a petition is adjudicated by more than one agency;

(C) reducing the occurrence of common petition errors, and otherwise improving and expediting the processing of H–2A petitions; and

(D) ensuring compliance with H–2A program requirements and the protection of the wages and working conditions of workers.

(3) REPORTS TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and every 3 months thereafter until the H–2A worker electronic platform is established pursuant to paragraph (1), the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of

the Senate and the Committee on the Judiciary of the House of Representatives that outlines the status of the electronic platform development.

(b) ONLINE JOB REGISTRY.—The Secretary of Labor shall maintain a national, publicly-accessible online job registry and database of all job orders submitted by H–2A employers. The registry and database shall—

(1) be searchable using relevant criteria, including the types of jobs needed to be filled, the date(s) and location(s) of need, and the employer(s) named in the job order;

(2) provide an interface for workers in English, Spanish, and any other language that the Secretary of Labor determines to be appropriate; and

(3) provide for public access of job orders approved under section 218(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1188(h)(2)).

SEC. 202. H–2A PROGRAM REQUIREMENTS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

"SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) LABOR CERTIFICATION CONDITIONS.—The Secretary of Homeland Security may not approve a petition to admit an H–2A worker unless the Secretary of Labor has certified that—

''(1) there are not sufficient United States workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition; and

''(2) the employment of the H–2A worker in such labor or services will not adversely affect the wages and working conditions of workers in the United States who are similarly employed.

''(b) H–2A PETITION REQUIREMENTS.—An employer filing a petition for an H–2A worker to perform agricultural labor or services shall attest to and demonstrate compliance, as and when appropriate, with all applicable requirements under this section, including the following:

''(1) NEED FOR LABOR OR SERVICES.—The employer has described the need for agricultural labor or services in a job order that includes a description of the nature and location of the work to be performed, the material terms and conditions of employment, the anticipated period or periods (expected start and end dates) for which the workers will be needed, the number of job opportunities in which the employer seeks to employ the workers, and any other requirement for a job order.

''(2) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer has not and will not displace United States workers employed by the employer during the period of employment of the H–2A worker and during the 60-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ the H–2A worker.

''(3) STRIKE OR LOCKOUT.—Each place of employment described in the petition is not, at the time of filing the petition and until the petition is approved, subject to a strike or lockout in the course of a labor dispute.

''(4) RECRUITMENT OF UNITED STATES WORKERS.—The employer shall engage in the recruitment of United States workers as described in subsection (c) and shall hire such workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition. The employer may reject a United States worker only for lawful, job-related reasons.

''(5) WAGES, BENEFITS, AND WORKING CONDITIONS.—The employer shall offer and provide, at a minimum, the wages, benefits, and working conditions required by this section to the H–2A worker and all workers who are similarly employed. The employer—

''(A) shall offer such similarly employed workers not less than the same benefits, wages, and working conditions that the employer is offering or will provide to the H–2A worker; and

''(B) may not impose on such similarly employed workers any restrictions or obligations that will not be imposed on the H–2A worker.

''(6) WORKERS' COMPENSATION.—If the job opportunity is not covered by or is exempt from the State workers' compensation law, the employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law.

''(7) COMPLIANCE WITH APPLICABLE LAWS.—The employer shall comply with all applicable Federal, State and local laws and regulations.

''(8) COMPLIANCE WITH WORKER PROTECTIONS.—The employer shall comply with section 204 of the Affordable and Secure Food Act of 2022.

''(9) COMPLIANCE WITH FOREIGN LABOR RECRUITMENT LAWS.—The employer shall comply with subtitle C of title II of the Affordable and Secure Food Act of 2022.

''(c) RECRUITING REQUIREMENTS.—

''(1) IN GENERAL.—The employer may satisfy the recruitment requirement described in subsection (b)(4) by satisfying all of the following:

''(A) JOB ORDER.—As provided in subsection (h)(1), the employer shall complete a job order for posting on the electronic job registry maintained by the Secretary of Labor and for distribution by the appropriate State workforce agency. Such posting shall remain on the job registry as an active job order through the period described in paragraph (2)(B).

''(B) FORMER WORKERS.—At least 45 days before each start date identified in the petition, the employer shall—

''(i) make reasonable efforts to contact any United States worker who the employer or agricultural producer for whom the employer is supplying labor employed in the previous year in the same occupation and area of intended employment for which an H–2A worker is sought (excluding workers who were terminated for cause or abandoned the worksite); and

''(ii) post such job opportunity in a conspicuous location or locations at the place of employment.

''(C) POSITIVE RECRUITMENT.—During the period of recruitment, the employer shall complete any other positive recruitment steps within a multi-State region of traditional or expected labor supply where the Secretary of Labor finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed.

''(2) PERIOD OF RECRUITMENT.—

''(A) IN GENERAL.—For purposes of this subsection, the period of recruitment begins on the date on which the job order is posted on the online job registry and ends on the date that H–2A workers depart for the employer's place of employment. For a petition involving more than one start date under subsection (h)(1)(C), the end of the period of recruitment shall be determined by the date of departure of the H–2A workers for the final start date identified in the petition.

''(B) REQUIREMENT TO HIRE US WORKERS.—

''(i) IN GENERAL.—Notwithstanding the limitations of subparagraph (A), the employer will provide employment to any qualified United States worker who applies to the employer for any job opportunity included in the petition until the later of—

''(I) the date that is 30 days after the date on which work begins; or

''(II) the date on which—

''(aa) 33 percent of the work contract for the job opportunity has elapsed; or

''(bb) if the employer is a labor contractor, 50 percent of the work contract for the job opportunity has elapsed.

''(ii) STAGGERED ENTRY.—For a petition involving more than one start date under subsection (h)(1)(C), each start date designated in the petition shall establish a separate job opportunity. An employer may not reject a United States worker because the worker is unable or unwilling to fill more than one job opportunity included in the petition.

''(iii) EXCEPTION.—Notwithstanding clause (i), the employer may offer a job opportunity to an H–2A worker instead of an alien granted certified agricultural worker status under title I of the Affordable and Secure Food Act of 2022 if the H–2A worker was employed by the employer in each of 3 years during the 4-year period immediately preceding the date of the enactment of such Act.

''(3) RECRUITMENT REPORT.—

''(A) IN GENERAL.—The employer shall maintain a recruitment report through the applicable period described in paragraph (2)(B) and submit regular updates through the electronic platform on the results of recruitment. The employer shall retain the recruitment report, and all associated recruitment documentation, for a period of 3 years from the date of certification.

''(B) BURDEN OF PROOF.—If the employer asserts that any eligible individual who has applied or been referred is not able, willing or qualified, the employer bears the burden of proof to establish that the individual is not able, willing or qualified because of a lawful, employment-related reason.

''(d) WAGE REQUIREMENTS.—

''(1) IN GENERAL.—Each employer under this section will offer the worker, during the period of authorized employment, wages that are at least the greatest of—

''(A) the agreed-upon collective bargaining wage;

''(B) the adverse effect wage rate (or any successor wage established under paragraph (7));

''(C) the prevailing wage (hourly wage or piece rate); or

''(D) the Federal or State minimum wage.

''(2) ADVERSE EFFECT WAGE RATE DETERMINATIONS.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the applicable adverse effect wage rate for each State and classification for a calendar year shall be the annual average hourly gross wage for all hired agricultural workers in the State, as reported by the Secretary of Agriculture and the Secretary of Labor based on a wage survey conducted by such secretaries under subparagraph (C). If such wage is not reported, the applicable wage shall be the State or regional annual gross average hourly wage for all hired agricultural workers based on the Agricultural Labor Wage survey conducted pursuant to subparagraph (C).

''(B) LIMITATIONS ON WAGE FLUCTUATIONS.—

''(i) WAGE FREEZE FOR CALENDAR YEAR 2023.—For calendar year 2023, the adverse effect wage rate for each State classification under this subsection shall be the adverse effect wage rate that was in effect for H–2A workers in the applicable State on the date of the enactment of the Affordable and Secure Food Act of 2022.

''(ii) CALENDAR YEARS 2024 THROUGH 2034.—For each of calendar years 2024 through 2034, the adverse effect wage rate for each State

classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not—

''(I) be more than 1.25 percent lower than the wage in effect for H–2A workers in the applicable State classification in the immediately preceding calendar year;

''(II) except as provided in clause (III), be more than 3 percent higher than the wage in effect for H–2A workers in the applicable State classification in the immediately preceding calendar year; and

''(III) if the application of clause (II) results in a wage that is lower than 110 percent of the applicable Federal or State minimum wage, be more than 4 percent higher than the wage in effect for H–2A workers in the applicable State classification in the immediately preceding calendar year.

''(iii) CALENDAR YEARS AFTER 2034.—For any calendar year after 2034, the applicable wage rate described in paragraph (1)(B) shall be the wage rate established pursuant to paragraph (7)(D). Until such wage rate is effective, the adverse effect wage rate for each State classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not be more than 0.5 percent lower or 3 percent higher than the wage in effect for H–2A workers in the applicable State classification in the immediately preceding calendar year.

''(C) WAGE SURVEYS AND DATA.—

''(i) AGRICULTURAL LABOR SURVEY.—The Secretary of Labor, in carrying out the responsibilities in setting the adverse effect wage rate under subparagraph (A), shall rely on statistically valid data from the Department of Agriculture National Agricultural Statistics Service's annual findings from the Agricultural Labor Survey (commonly referred to as the 'Farm Labor Survey').

''(ii) FORM; DATA.—The Secretary of Agriculture shall conduct the Agricultural Labor Survey in the form of a quarterly survey of the number of hired agricultural workers, the number of hours worked, and the total gross wages paid by type of worker, including field workers, livestock workers, and supervisors or managers, disaggregated by occupational groups and other workers (who may be classified by the Standard Occupational Classification system).

''(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of Labor, such sums as may be necessary for the purposes of carrying out this subsection.

''(3) PUBLICATION; WAGES IN EFFECT.—

''(A) PUBLICATION.—Before the first day of each calendar year, the Secretary of Labor shall publish the applicable adverse effect wage rate (or successor wage rate, if any), and prevailing wage, if available, for each State and occupational classification through notice in the Federal Register.

''(B) JOB ORDERS IN EFFECT.—Except as provided in subparagraph (C), publication by the Secretary of Labor of an updated adverse effect wage rate or prevailing wage for a State and occupational classification shall not affect the wage rate guaranteed in any approved job order for which work has commenced at the time of publication.

''(C) EXCEPTION FOR YEAR-ROUND JOBS.—If the Secretary of Labor publishes an updated adverse effect wage rate or prevailing wage for a State and occupational classification concerning a petition described in subsection (i), and the updated wage is higher than the wage rate guaranteed in the work contract, the employer shall pay the updated wage not later than 14 days after publication of the updated wage in the Federal Register.

''(4) PRODUCTIVITY STANDARD REQUIREMENTS.—If an employer requires 1 or more minimum productivity standards as a condition of job retention, such standards shall be specified in the job order and shall be no more than those normally required (at the time of the first petition for H–2A workers) by other employers for the activity in the area of intended employment, unless the Secretary of Labor approves a higher minimum standard resulting from material changes in production methods.

''(5) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee the worker employment for the hourly equivalent of at least 80 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the worker less employment than that required under this paragraph, the employer shall pay the worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT; TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment without good cause before the end of the contract period, or is terminated for cause, the worker is not entitled to the guarantee of employment described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. The employer shall make efforts to transfer a worker to other comparable employment acceptable to the worker. If such transfer is not affected, the employer shall provide the return transportation required in subsection (f)(2).

''(6) WAGE STANDARDS AFTER 2034.—

''(A) STUDY OF ADVERSE EFFECT WAGE RATE.—Beginning in fiscal year 2031, the Secretary of Agriculture and the Secretary of Labor shall jointly conduct a study that addresses—

''(i) whether the employment of H–2A workers has depressed the wages of United States farm workers;

''(ii) whether an adverse effect wage rate is necessary to protect the wages of United States farm workers in occupations in which H–2A workers are employed;

''(iii) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(v) recommendations for future wage protection under this section.

''(B) FINAL REPORT.—Not later than October 1, 2032, the Secretary of Agriculture and the Secretary of Labor shall jointly prepare and submit a report to Congress setting forth the findings of the study conducted under subparagraph (A) and recommendations for future wage protections under this section.

''(C) CONSULTATION.—In conducting the study under subparagraph (A) and preparing the report under subparagraph (B), the Secretary of Agriculture and the Secretary of Labor shall consult with representatives of agricultural employers and an equal number of representatives of agricultural workers, at the national, State and local level.

''(D) WAGE DETERMINATION AFTER 2034.—Upon publication of the report described in subparagraph (B), the Secretary of Labor, in consultation with the Secretary of Agriculture, shall make a rule to establish a process for annually determining the wage rate for purposes of paragraph (1)(B) for fiscal years after 2034. Such process shall be designed to ensure that the employment of H–2A workers does not undermine the wages and working conditions of similarly employed United States workers.

''(e) HOUSING REQUIREMENTS.—Employers shall furnish housing in accordance with regulations established by the Secretary of Labor. Such regulations shall be consistent with the following:

''(1) IN GENERAL.—The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: Provided further, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(2) FAMILY HOUSING.—Except as otherwise provided in subsection (i)(5), the employer shall provide family housing to workers with families who request it when it is the prevailing practice in the area and occupation of intended employment to provide family housing.

''(3) UNITED STATES WORKERS.—Notwithstanding paragraphs (1) and (2), an employer is not required to provide housing to United States workers who are reasonably able to return to their residence within the same day.

''(4) TIMING OF INSPECTION.—

''(A) IN GENERAL.—The Secretary of Labor or designee shall make a determination as to whether the housing furnished by an employer for a worker meets the requirements imposed by this subsection prior to the date on which the Secretary of Labor is required to make a certification with respect to a petition for the admission of such worker.

''(B) TIMELY INSPECTION.—The Secretary of Labor shall provide a process for—

''(i) an employer to request inspection of housing up to 60 days before the date on which the employer will file a petition under this section; and

''(ii) annual inspection of housing for workers who are engaged in agricultural employment that is not of a seasonal or temporary nature.

''(f) TRANSPORTATION REQUIREMENTS.—

''(1) TRAVEL TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment specified in the job order

shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(2) TRAVEL FROM PLACE OF EMPLOYMENT.—For a worker who completes the period of employment specified in the job order or who is terminated without cause, the employer shall provide or pay for the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(3) TRANSPORTATION BETWEEN LIVING QUARTERS AND PLACE OF EMPLOYMENT.—The employer shall provide transportation for a worker between housing provided or secured by the employer and the employer's place of employment at no cost to the worker.

''(4) LIMITATION.—

''(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(B) DISTANCE TRAVELED.—For travel to or from the worker's home country, if the travel distance between the worker's home and the relevant consulate is 50 miles or less, reimbursement for transportation and subsistence may be based on transportation to or from the consulate.

''(g) HEAT ILLNESS PREVENTION PLAN.—

''(1) IN GENERAL.—The employer shall maintain a reasonable plan that describes the employer's procedures for the prevention of heat illness, including appropriate training, access to water and shade, the provision of breaks, and the protocols for emergency response. Such plan shall—

''(A) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

''(B) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

''(2) CLARIFICATION.—Nothing in this subsection is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to heat-related illness.

''(3) TEMPLATE.—Not later than 1 year after the date of the enactment of the Affordable and Secure Food Act of 2022, the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall publish, on the website of the Occupational Safety and Health Administration, a template for a Heat Illness Prevention Plan, which employers could use, at their discretion, to help them develop such a plan.

''(h) H–2A PETITION PROCEDURES.—

''(1) SUBMISSION OF PETITION AND JOB ORDER.—

''(A) IN GENERAL.—The employer shall submit information required for the adjudication of the H–2A petition, including a job order, through the electronic platform no more than 75 calendar days and no fewer than 60 calendar days before the employer's first date of need specified in the petition.

''(B) FILING BY AGRICULTURAL ASSOCIATIONS.—An association of agricultural producers that use agricultural services may file an H–2A petition under subparagraph (A). If an association is a joint or sole employer of workers, including agricultural cooperatives, who perform agricultural labor or services, H–2A workers may be used for the approved job opportunities of any of the association's producer members and such workers may be transferred among its producer members to perform the agricultural labor or services for which the petition was approved.

''(C) PETITIONS INVOLVING STAGGERED ENTRY.—

''(i) IN GENERAL.—Except as provided in clause (ii), an employer may file a petition involving employment in the same occupational classification and same area of intended employment with multiple start dates if—

''(I) the petition involves temporary or seasonal employment and no more than 10 start dates;

''(II) the multiple start dates share a common end date;

''(III) no more than 120 days separate the first start date and the final start date listed in the petition; and

''(IV) the need for multiple start dates arises from variations in labor needs associated with the job opportunity identified in the petition.

''(ii) LABOR CONTRACTORS.—A labor contractor may not file a petition described in clause (i).

''(2) LABOR CERTIFICATION.—

''(A) REVIEW OF JOB ORDER.—

''(i) IN GENERAL.—The Secretary of Labor, in consultation with the relevant State workforce agency, shall review the job order for compliance with this section and notify the employer through the electronic platform of any deficiencies not later than 7 business days from the date the employer submits the necessary information required under paragraph (1)(A). The employer shall be provided 5 business days to respond to any such notice of deficiency.

''(ii) STANDARD.—The job order must include all material terms and conditions of employment, including the requirements of this section, and must be otherwise consistent with the minimum standards provided under Federal, State or local law. In considering the question of whether a specific qualification is appropriate in a job order, the Secretary of Labor shall apply the normal and accepted qualification required by non-H–2A employers in the same or comparable occupations and crops.

''(iii) EMERGENCY PROCEDURES.—The Secretary of Labor shall establish emergency procedures for the curing of deficiencies that cannot be resolved during the period described in clause (i).

''(B) APPROVAL OF JOB ORDER.—

''(i) IN GENERAL.—Upon approval of the job order, the Secretary of Labor shall immediately place for public examination a copy of the job order on the online job registry, and the State workforce agency serving the area of intended employment shall commence the recruitment of United States workers.

''(ii) REFERRAL OF UNITED STATES WORKERS.—The Secretary of Labor and State workforce agency shall keep the job order active until the end of the period described in subsection (c)(2) and shall refer to the employer each United States worker who applies for the job opportunity.

''(C) REVIEW OF INFORMATION FOR DEFICIENCIES.—Not later than 7 business days after the approval of the job order, the Secretary of Labor shall review the information necessary to make a labor certification and notify the employer through the electronic platform if such information does not meet the standards for approval. Such notification shall include a description of any deficiency, and the employer shall be provided 5 business days to cure such deficiency.

''(D) CERTIFICATION AND AUTHORIZATION OF WORKERS.—Not later than 30 days before the date that labor or services are first required to be performed, the Secretary of Labor shall issue the requested labor certification if the Secretary determines that the requirements set forth in this section have been met.

''(E) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—The Secretary of Labor shall by regulation establish a procedure for an employer to request the expedited review of a denial of a labor certification under this section, or the revocation of such a certification. Such procedure shall require the Secretary to expeditiously, but no later than 72 hours after expedited review is requested, issue a de novo determination on a labor certification that was denied in whole or in part because of the availability of able, willing and qualified workers if the employer demonstrates, consistent with subsection (c)(3)(B), that such workers are not actually available at the time or place such labor or services are required.

''(3) PETITION DECISION.—

''(A) IN GENERAL.—Not later than 7 business days after the Secretary of Labor issues the certification, the Secretary of Homeland Security shall issue a decision on the petition and shall transmit a notice of action to the petitioner via the electronic platform.

''(B) APPROVAL.—Upon approval of a petition under this section, the Secretary of Homeland Security shall ensure that such approval is noted in the electronic platform and is available to the Secretary of State and U.S. Customs and Border Protection, as necessary, to facilitate visa issuance and admission.

''(C) PARTIAL APPROVAL.—A petition for multiple named beneficiaries may be partially approved with respect to eligible beneficiaries notwithstanding the ineligibility, or potential ineligibility, of one or more other beneficiaries.

''(D) POST-CERTIFICATION AMENDMENTS.—The Secretary of Labor shall provide a process for amending a request for labor certification in conjunction with an H–2A petition, subsequent to certification by the Secretary of Labor, in cases in which the requested amendment does not materially change the petition (including the job order).

''(4) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that results in the denial of a petition with respect to the member, the denial shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

''(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

''(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that results in the denial of a petition with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary of Labor determines that the member participated in, had knowledge of, or reason to know of, the violation.

''(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that results in the denial of a petition with respect to the association, no individual producer member of such association may be the beneficiary of

the services of H–2A workers in the commodity and occupation in which such aliens were employed by the association which was denied during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

''(5) SPECIAL PROCEDURES.—For occupations with established special procedures that were in place on the date of the enactment of the Affordable and Secure Food Act of 2022, the Secretary of Labor, in consultation with the Secretary of Agriculture and Secretary of Homeland Security, may by regulation establish alternate procedures that reasonably modify program requirements under this section, when the Secretary determines that such modifications are required due to the unique nature of the work involved.

''(6) CONSTRUCTION OCCUPATIONS.—An employer may not file a petition under this section on behalf of a worker if the majority of the worker's duties will fall within a construction or extraction occupational classification.

''(7) EQUINES.—Notwithstanding the requirement under section 101(a)(15)(H)(ii)(A) that the agricultural labor or services performed by an H–2A worker be agricultural, the Secretary of Homeland Security may approve a petition for an H–2A worker to perform activities related to equines, including the breeding, grooming, training, care, feeding, management, competition, and racing of equines, without regard to whether the specific service or activity is of a temporary or seasonal nature.

''(i) NON-TEMPORARY OR NON-SEASONAL NEEDS.—

''(1) IN GENERAL.—Notwithstanding the requirement under section 101(a)(15)(H)(ii)(a) that the agricultural labor or services performed by an H–2A worker be of a temporary or seasonal nature, the Secretary of Homeland Security may, consistent with the provisions of this subsection, approve a petition from a fixed site farm employer for an H–2A worker to perform agricultural services or labor that is not of a temporary or seasonal nature.

''(2) NUMERICAL LIMITATIONS.—

''(A) FIRST 3 FISCAL YEARS.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year during which the first visa is issued under such paragraph and for each of the following 2 fiscal years may not exceed 26,000.

''(B) FISCAL YEARS 4 THROUGH 10.—

''(i) IN GENERAL.—The total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for the first fiscal year following the fiscal years referred to in subparagraph (A) and for each of the following 6 fiscal years may not exceed a numerical limitation jointly imposed by the Secretary of Agriculture and Secretary of Labor in accordance with clause (ii).

''(ii) ANNUAL ADJUSTMENTS.—For each fiscal year referred to in clause (i), the Secretary of Agriculture and the Secretary of Labor, in consultation with the Secretary of Homeland Security, shall establish the numerical limitation referred to in clause (i). Such numerical limitation may not be lower than 26,000 and may not vary by more than 15 percent compared to the numerical limitation applicable to the immediately preceding fiscal year. In establishing such numerical limitation, the Secretaries shall consider appropriate factors, including—

''(I) a demonstrated shortage of agricultural workers;

''(II) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

''(III) the number of H–2A workers sought by employers, including the number of petitions filed for H–2A workers during the preceding fiscal year to engage in agricultural labor or services not of a temporary or seasonal nature;

''(IV) the number of such H–2A workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

''(V) the estimated number of United States workers, including workers who obtained certified agricultural worker status under title I of the Affordable and Secure Food Act of 2022, who worked during the preceding fiscal year in agricultural labor or services not of a temporary or seasonal nature;

''(VI) the number of such United States workers who accepted jobs offered by employers using the online job registry during the preceding fiscal year;

''(VII) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

''(VIII) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

''(iii) ANNUAL REPORT.—The Secretary of Agriculture and the Secretary of Labor shall submit an annual report containing the information described in clause (ii) to—

''(I) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(II) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

''(IV) the Committee on the Judiciary of the Senate;

''(V) the Committee on Agriculture of the House of Representatives;

''(VI) the Committee on Education and Labor of the House of Representatives;

''(VII) the Committee on Homeland Security of the House of Representatives; and

''(VIII) the Committee on the Judiciary of the House of Representatives.

''(C) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years following the fiscal years referred to in subparagraph (B), the Secretary of Agriculture and the Secretary of Labor, in consultation with the Secretary of Homeland Security, shall jointly determine, after considering appropriate factors, including the factors listed in subclauses (I) through (VIII) of subparagraph (B)(ii), whether to establish or to no longer maintain a numerical limitation for such fiscal year. If a numerical limitation is established for such fiscal year—

''(i) such numerical limitation may not be lower than number of aliens admitted under this subsection during the fiscal year immediately preceding the fiscal year for which the numerical limitation is to be established; and

''(ii) the total number of aliens who may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) for that fiscal year may not exceed such numerical limitation.

''(D) AUTOMATIC ADJUSTMENT FOR SIGNIFICANT LABOR SHORTAGES.—Not later than the last day of the third fiscal year during which the first visa is issued under paragraph (1), the Secretary of Agriculture and the Secretary of Labor, in consultation with the Secretary of Homeland Security, shall jointly establish, by regulation, procedures for immediately adjusting a numerical limitation imposed under subparagraph (B) or (C) to account for significant labor shortages. Such regulations shall take into account the factors set forth in subparagraph (B)(ii).

''(3) ALLOCATION OF VISAS.—

''(A) BI-ANNUAL ALLOCATION.—The annual allocation of visas described in paragraph (2) shall be evenly allocated between two halves of the fiscal year unless the Secretary of Homeland Security, in consultation with the Secretary of Agriculture and Secretary of Labor, determines that an alternative allocation would better accommodate demand for visas. Any unused visas in the first half of the fiscal year shall be added to the allocation for the subsequent half of the same fiscal year.

''(B) RESERVE FOR DAIRY LABOR OR SERVICES.—

''(i) IN GENERAL.—Of the visa numbers made available in each half of the fiscal year pursuant to subparagraph (A), 50 percent of such visas shall be reserved for employers filing petitions seeking H–2A workers to engage in agricultural labor or services in the dairy industry.

''(ii) EXCEPTION.—If, after 4 months have elapsed in one half of the fiscal year, the Secretary of Homeland Security determines that application of clause (i) will result in visas going unused during that half of the fiscal year, clause (i) shall not apply to visas under this paragraph during the remainder of such calendar half.

''(C) RESERVE FOR SMALL FARMER LABOR OR SERVICES.—

''(i) IN GENERAL.—Except as provided in clause (ii), of the visas made available during each 6 month period of a fiscal year pursuant to subparagraph (A), 20 percent shall be reserved for employers (excluding employers eligible for a reserve under subparagraph (B)) with fewer than 50 domestic employees that file a petition seeking H–2A workers to engage in agricultural labor or services.

''(ii) EXCEPTION.—If, after 4 months have elapsed in ½ of the fiscal year, the Secretary of Homeland Security determines that the application of clause (i) will result in visas going unused during that 6-month period, clause (i) shall not apply to visas under this paragraph during the remainder of such 6-month period.

''(D) LIMITED ALLOCATION FOR CERTAIN SPECIAL PROCEDURES INDUSTRIES.—

''(i) IN GENERAL.—Notwithstanding the numerical limitations under paragraph (2), up to 550 aliens may be issued visas or otherwise provided H–2A nonimmigrant status under paragraph (1) in a fiscal year for range sheep or goat herding.

''(ii) LIMITATION.—The total number of aliens in the United States in valid H–2A status under clause (i) at any one time may not exceed 550.

''(iii) CLARIFICATION.—Any visas issued under this subparagraph may not be considered for purposes of the annual adjustments under subparagraphs (B) and (C) of paragraph (2).

''(4) ANNUAL ROUND TRIP HOME.—

''(A) IN GENERAL.—In addition to the other requirements of this section, an employer shall provide H–2A workers employed under this subsection, at no cost to such workers, with annual round trip travel, including transportation and subsistence during travel, to their homes in their communities of origin. The employer must provide such travel within 14 months of the initiation of the worker's employment, and no more than 14 months can elapse between each required period of travel.

''(B) LIMITATION.—The cost of travel under subparagraph (A) need not exceed the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(5) FAMILY HOUSING.—An employer seeking to employ an H–2A worker pursuant to this subsection shall offer family housing to workers with families if such workers are engaged in agricultural employment that is not of a seasonal or temporary nature. The worker may reject such an offer. The employer may not charge the worker for the worker's housing, except that if the worker accepts family housing, a prorated rent based on the fair market value for such housing may be charged for the worker's family members.

''(6) WORKPLACE SAFETY PLAN FOR YEAR-ROUND EMPLOYEES.—

''(A) IN GENERAL.—If an employer is seeking to employ a worker in agricultural labor or services pursuant to this subsection, the employer shall report all work-related incidents in accordance with the requirements under section 1904.39 of title 29, Code of Federal Regulations, and maintain an effective worksite safety and compliance plan to prevent workplace accidents and otherwise ensure safety. Such plan shall—

''(i) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

''(ii) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

''(B) CONTENTS OF PLAN.—The Secretary of Labor, in consultation with the Secretary of Agriculture, shall establish by regulation the minimum requirements for the plan described in subparagraph (A). Such plan shall include measures to—

''(i) require workers (other than the employer's family members) whose positions require contact with animals to complete animal care training, including animal handling and job-specific animal care;

''(ii) protect against sexual harassment and violence, resolve complaints involving harassment or violence, and protect against retaliation against workers reporting harassment or violence; and

''(iii) contain other provisions necessary for ensuring workplace safety, as determined by the Secretary of Labor, in consultation with the Secretary of Agriculture.

''(C) CLARIFICATION.—Nothing in this paragraph is intended—

''(i) to apply to persons or entities that are not seeking to employ workers under this section; or

''(ii) to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to the dairy industry.

''(j) ELIGIBILITY FOR H–2A STATUS AND ADMISSION TO THE UNITED STATES.—

''(1) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States as an H–2A worker pursuant to a petition filed under this section if the alien was admitted to the United States as an H–2A worker within the past 5 years of the date the petition was filed and—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission has expired, unless the alien has good cause for such failure to depart; or

''(B) otherwise violated a term or condition of admission into the United States as an H–2A worker.

''(2) VISA VALIDITY.—A visa issued to an H–2A worker shall be valid for 3 years and shall allow for multiple entries during the approved period of admission.

''(3) PERIOD OF AUTHORIZED STAY; ADMISSION.—

''(A) IN GENERAL.—An alien admissible as an H–2A worker shall be authorized to stay in the United States for the period of employment specified in the petition approved by the Secretary of Homeland Security under this section. The maximum continuous period of authorized stay for an H–2A worker is 36 months.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—In the case of an H–2A worker whose maximum continuous period of authorized stay (including any extensions) has expired, the alien may not again be eligible for such stay until the alien remains outside the United States for a cumulative period of at least 45 days.

''(C) EXCEPTIONS.—The Secretary of Homeland Security shall deduct absences from the United States that take place during an H–2A worker's period of authorized stay from the period that the alien is required to remain outside the United States under subparagraph (B), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence including, but not limited to, arrival and departure records, copies of tax returns, and records of employment abroad.

''(D) ADMISSION.—In addition to the maximum continuous period of authorized stay, an H–2A worker's authorized period of admission shall include an additional period of 10 days prior to the beginning of the period of employment for the purpose of traveling to the place of employment and 45 days at the end of the period of employment for the purpose of traveling home or seeking an extension of status based on a subsequent offer of employment if the worker has not reached the maximum continuous period of authorized stay under subparagraph (A) (subject to the exceptions in subparagraph (C)).

''(4) CONTINUING H–2A WORKERS.—

''(A) SUCCESSIVE EMPLOYMENT.—An H–2A worker is authorized to start new or concurrent employment upon the filing of a nonfrivolous H–2A petition, or as of the requested start date, whichever is later if—

''(i) the petition to start new or concurrent employment was filed prior to the expiration of the H–2A worker's period of admission as defined in paragraph (3)(D); and

''(ii) the H–2A worker has not been employed without authorization in the United States from the time of last admission to the United States in H–2A status through the filing of the petition for new employment.

''(B) PROTECTION DUE TO IMMIGRANT VISA BACKLOGS.—Notwithstanding the limitations on the period of authorized stay described in paragraph (3), any H–2A worker who—

''(i) is the beneficiary of an approved petition, filed under section 204(a)(1)(E) or (F) for preference status under section 203(b)(3)(A)(iii); and

''(ii) is eligible to be granted such status but for the annual limitations on visas under section 203(b)(3)(A),

may apply for, and the Secretary of Homeland Security may grant, an extension of such nonimmigrant status until the Secretary of Homeland Security issues a final administrative decision on the alien's application for adjustment of status or the Secretary of State issues a final decision on the alien's application for an immigrant visa.

''(5) ABANDONMENT OF EMPLOYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an H–2A worker who abandons the employment which was the basis for the worker's authorized stay, without good cause, shall be considered to have failed to maintain H–2A status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(B) GRACE PERIOD TO SECURE NEW EMPLOYMENT.—An H–2A worker shall not be considered to have failed to maintain H–2A status solely on the basis of a cessation of the employment on which the alien's classification was based for a period of 45 consecutive days, or until the end of the authorized validity period, whichever is shorter, once during each authorized validity period.

''(k) REQUIRED DISCLOSURES.—

''(1) DISCLOSURE OF WORK CONTRACT.—Not later than the time at which an H–2A worker applies for a visa, or not later than the date on which work commences for a worker in corresponding employment, the employer shall provide such worker with a copy of the work contract, which shall includes all of the provisions under this section, or, in the absence of such a contract, a copy of the job order and the certification described in subparagraphs (B) and (D) of subsection (h)(2)), which shall be deemed to be the work contract. An H–2A worker moving from one H–2A employer to a subsequent H–2A employer shall be provided with a copy of the new employment contract no later than the time at which an offer of employment is made by the subsequent employer.

''(2) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to H–2A workers, on or before each payday, in one or more written statements—

''(A) the H–2A worker's total earnings for the pay period;

''(B) the H–2A worker's hourly rate of pay, piece rate of pay, or both;

''(C) the hours of employment offered to the H–2A worker and the hours of employment actually worked by the H–2A worker;

''(D) if piece rates of pay are used, the units produced daily by the H–2A worker;

''(E) an itemization of the deductions made from the H–2A worker's wages; and

''(F) any other information required by Federal, State or local law.

''(3) NOTICE OF WORKER RIGHTS.—The employer shall post and maintain, in a conspicuous location at the place of employment, a poster provided by the Secretary of Labor in English, and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English, which sets out the rights and protections for workers employed pursuant to this section.

''(l) LABOR CONTRACTORS; FOREIGN LABOR RECRUITERS; PROHIBITION ON FEES.—

''(1) LABOR CONTRACTORS.—

''(A) SURETY BOND.—An employer that is a labor contractor who seeks to employ H–2A workers shall maintain a surety bond in an amount required under subparagraph (B). Such bond shall be payable to the Secretary of Labor or pursuant to the resolution of a civil or criminal proceeding, for the payment of wages and benefits, including any assessment of interest, owed to an H–2A worker or a similarly employed worker, or a worker who has been rejected or displaced in violation of this section.

''(B) AMOUNT OF BOND.—The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for labor contractors to discharge financial obligations under this section based on the number of workers the labor contractor seeks to employ and the wages such workers are required to be paid.

''(C) USE OF FUNDS.—Any sums paid to the Secretary under subparagraph (A) that are not paid to a worker because of the inability to do so within a period of 5 years following the date of a violation giving rise to the obligation to pay shall remain available to the Secretary without further appropriation until expended to support the enforcement of this section.

''(2) FOREIGN LABOR RECRUITING.—If the employer has retained the services of a foreign labor recruiter, the employer shall use a foreign labor recruiter registered under section 251 of the Affordable and Secure Food Act of 2022.

''(3) PROHIBITION AGAINST EMPLOYEES PAYING FEES.—Neither the employer nor its agents shall seek or receive payment of any kind from any worker for any activity related to the H–2A process, including payment of the employer's attorneys' fees, application fees, or recruitment costs. An employer and its agents may receive reimbursement for costs that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees.

''(4) THIRD PARTY CONTRACTS.—The contract between an employer and any labor contractor or any foreign labor recruiter (or any agent of such labor contractor or foreign labor recruiter) whom the employer engages shall include a term providing for the termination of such contract for cause if the contractor or recruiter, either directly or indirectly, in the placement or recruitment of H–2A workers seeks or receives payments or other compensation from prospective employees. Upon learning that a labor contractor or foreign labor recruiter has sought or collected such payments, the employer shall so terminate any contracts with such contractor or recruiter.

''(m) ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Labor is authorized to take such actions against employers, including issuing subpoenas, imposing appropriate penalties, and seeking monetary and injunctive relief and specific performance of contractual obligations, as may be necessary to ensure compliance with the requirements of this section and with the applicable terms and conditions of employment. The Solicitor of Labor may appear on behalf of and represent the Secretary of Labor in any civil litigation brought under this chapter, but all such litigation shall be subject to the direction and control of the Attorney General.

''(2) COMPLAINT PROCESS.—

''(A) PROCESS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints alleging failure of an employer to comply with the requirements under this section and with the applicable terms and conditions of employment.

''(B) FILING.—A complaint referred to in subparagraph (A) may be filed not later than 2 years after the date of the conduct that is the subject of the complaint.

''(C) COMPLAINT NOT EXCLUSIVE.—A complaint filed under this paragraph is not an exclusive remedy and the filing of such a complaint does not waive any rights or remedies of the aggrieved party under this law or other laws.

''(D) DECISION AND REMEDIES.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer failed to comply with the requirements of this section or the terms and conditions of employment, the Secretary of Labor may require payment of unpaid wages, unpaid benefits, fees assessed in violation of this section, damages, and civil money penalties. The Secretary is also authorized to impose other administrative remedies, including disqualification of the employer from utilizing the H–2A program for a period of up to 5 years in the event of willful or multiple material violations. The Secretary is authorized to permanently disqualify an employer from utilizing the H–2A program upon a subsequent finding involving willful or multiple material violations.

''(E) DISPOSITION OF PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the H–2A Labor Certification Fee Account established under section 203 of the Affordable and Secure Food Act of 2022.

''(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

''(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

''(B) in the absence of a complaint.

''(4) RETALIATION PROHIBITED.—It is a violation of this subsection for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against, or to cause any person to intimidate, threaten, restrain, coerce, blacklist, or in any manner discriminate against, an employee, including a former employee or an applicant for employment, because the employee—

''(A) has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation under this section, or any rule or regulation relating to this section;

''(B) has filed a complaint concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section;

''(C) cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements under this section or any rule or regulation pertaining to this section; or

''(D) has taken steps to exercise or assert any right or protection under the provisions of this section, or any rule or regulation pertaining to this section, or any other relevant Federal, State, or local law.

''(5) INTERAGENCY COMMUNICATION.—The Secretary of Labor, in consultation with the Secretary of Homeland Security, Secretary of State and the Equal Employment Opportunity Commission, shall establish mechanisms by which the agencies and their components share information, including by public electronic means, regarding complaints, studies, investigations, findings and remedies regarding compliance by employers with the requirements of the H–2A program and other employment-related laws and regulations.

''(n) DEFINITIONS.—In this section:

''(1) DISPLACE.—The term 'displace' means to lay off a similarly employed United States worker, other than for lawful job-related reasons, in the occupation and area of intended employment for the job for which H–2A workers are sought.

''(2) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(3) JOB ORDER.—The term 'job order' means the document containing the material terms and conditions of employment, including obligations and assurances required under this section or any other law.

''(4) ONLINE JOB REGISTRY.—The term 'online job registry' means the online job registry of the Secretary of Labor required under section 201(b) of the Affordable and Secure Food Act of 2022 (or similar successor registry).

''(5) SIMILARLY EMPLOYED.—The term 'similarly employed', in the case of a worker, means a worker in the same occupational classification as the classification or classifications for which the H–2A worker is sought.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States;

''(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized to be employed in the United States;

''(C) an alien granted certified agricultural worker status under title I of the Affordable and Secure Food Act of 2022; or

''(D) an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment in which the worker is engaging.

''(o) FEES; AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEES.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee to process petitions under this section. Such fee shall be set at a level that is sufficient to recover the reasonable costs of processing the petition, including the reasonable costs of providing labor certification by the Secretary of Labor.

''(B) DISTRIBUTION.—Fees collected under subparagraph (A) shall be deposited as offsetting receipts into the immigration examinations fee account in section 286(m), except that the portion of fees assessed for the Secretary of Labor shall be deposited into the H–2A Labor Certification Fee Account established pursuant to section 203(c) of the Affordable and Secure Food Act of 2022.

''(2) APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as necessary for the purposes of—

''(A) recruiting United States workers for labor or services which might otherwise be performed by H–2A workers, including by ensuring that State workforce agencies are sufficiently funded to fulfill their functions under this section;

''(B) enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(5)(A)(i);

''(C) monitoring and enforcing the terms and conditions under which H–2A workers (and United States workers employed by the same employers) are employed in the United States; and

''(D) enabling the Secretary of Agriculture to carry out the Secretary of Agriculture's duties and responsibilities under this section.''.

SEC. 203. AGENCY ROLES AND RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE SECRETARY OF LABOR.—With respect to the administration of the H–2A nonimmigrant visa program (referred to in this section as the ''H–2A program''), the Secretary of Labor shall be responsible for—

(1) consulting with State workforce agencies to—

(A) review and process job orders;

(B) facilitate the recruitment and referral of able, willing and qualified United States workers who will be available at the time and place needed;

(C) determine prevailing wages and practices; and

(D) conduct timely inspections to ensure compliance with applicable Federal, State, or local housing standards and Federal regulations for H–2A housing;

(2) determining whether the employer has met the conditions for approval of the H–2A nonimmigrant visa petition described in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(3) determining, in consultation with the Secretary of Agriculture, whether a job opportunity is of a seasonal or temporary nature;

(4) determining whether the employer has complied or will comply with the H–2A program requirements set forth in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(5) processing and investigating complaints consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m));

(6) referring any matter as appropriate to the Inspector General of the Department of Labor for investigation;

(7) ensuring that guidance to State workforce agencies to conduct wage surveys is regularly updated; and

(8) issuing such rules and regulations as are necessary to carry out the Secretary of Labor's responsibilities under this division and the amendments made by this division.

(b) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—With respect to the administration of the H–2A program, the Secretary of Homeland Security shall be responsible for—

(1) adjudicating petitions for the admission of nonimmigrants described in section 101(a)(15)(H)(2)(a) (referred to in this title as ''H–2A workers''), which shall include an assessment as to whether each beneficiary will be employed in accordance with the terms and conditions of the certification and whether any named beneficiaries qualify for such employment;

(2) transmitting a copy of the final decision on the petition to the employer, and in the case of approved petitions, ensuring that the petition approval is reflected in the electronic platform to facilitate the prompt issuance of a visa by the Department of State (if required) and the admission of the H–2A workers to the United States;

(3) establishing a reliable and secure method through which H–2A workers can access information about their H–2A visa status, including information on pending, approved, or denied petitions to extend such status;

(4) investigating and preventing fraud in the program, including the utilization of H–2A workers for other than allowable agricultural labor or services; and

(5) issuing such rules and regulations as are necessary to carry out the Secretary of Homeland Security's responsibilities under this division and the amendments made by this division.

(c) ESTABLISHMENT OF ACCOUNT; USE OF FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Labor Certification Fee Account''. Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account all amounts—

(A) collected as a civil penalty under section 218(m)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1188(m)(2)(E)); and

(B) collected as a fee under section 218(o)(1)(B) of such Act (8 U.S.C. 1188(o)(1)(B)).

(2) USE OF FUNDS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, amounts deposited into the H–2A Labor Certification Fee Account shall be available (except as otherwise provided in this paragraph) without fiscal year limitation and without the requirement for specification in appropriations Acts to the Secretary of Labor for use, directly or through grants, contracts, or other arrangements, in such amounts as the Secretary of Labor determines are necessary for the costs of Federal and State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(B) EXAMPLES OF APPROVED COSTS.—Costs authorized under subparagraph (A) may include—

(i) personnel salaries and benefits;

(ii) equipment and infrastructure for adjudication and customer service processes;

(iii) the operation and maintenance of an on-line job registry; and

(iv) program integrity activities.

(C) CONSIDERATIONS.—In determining what amounts to transfer to States for State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act, the Secretary shall—

(i) consider the number of H–2A workers employed in such State; and

(ii) adjust the amount transferred to such State based on the proportion of H–2A workers employed in such State.

(D) AUDITS; CRIMINAL INVESTIGATIONS.—Ten percent of the amounts deposited into the H–2A Labor Certification Fee Account pursuant to paragraph (1) shall be available to the Office of Inspector General of the Department of Labor to conduct audits and criminal investigations relating to foreign labor certification programs.

(3) ADDITIONAL FUNDS.—Amounts available under paragraph (1) shall be available in addition to any other funds appropriated or made available to the Department of Labor under other laws, including section 218(o)(2) of the Immigration and Nationality Act (8 U.S.C. 1188(o)(2)).

SEC. 204. WORKER PROTECTION AND COMPLIANCE.

(a) EQUALITY OF TREATMENT.—H–2A workers may not be denied any right or remedy under any Federal, State, or local labor or employment law applicable to United States workers engaged in agricultural employment.

(b) APPLICABILITY OF OTHER LAWS.—

(1) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—H–2A workers shall be considered migrant agricultural workers for purposes of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

(2) WAIVER OF RIGHTS PROHIBITED.—Agreements by H–2A workers to waive or modify any rights or protections under this division or section 218 of the Immigration and Nationality Act, as amended by section 202, shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

(3) FRIVOLOUS LAWSUITS PROHIBITED.—A legal representative of an H–2A worker who seeks to enforce rights guaranteed under this division or under section 218 of the Immigration and Nationality Act, as amended by section 202, shall comply with Rules 8 and 11 of the Federal Rules of Civil Procedure.

(4) DEMAND LETTER PROHIBITIONS.—A legal representative of an H–2A worker, or a class of workers, may not send a demand letter to the employer of such worker, or class of workers, regarding a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) and demanding a monetary payment without a good faith basis that there are sufficient facts to support such an allegation.

(5) THIRD-PARTY LAWSUITS.—All named plaintiffs in a lawsuit against the employer of an H–2A worker shall be a real party in interest and may not be a third party who is not an H–2A worker, except as otherwise expressly permitted under this division or any other law.

(6) MEDIATION.—

(A) FREE MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under this section between H–2A workers and agricultural employers without charge to the parties.

(B) LAWSUITS.—If an H–2A worker files a civil lawsuit alleging 1 or more violations of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), not later than 60 days after filing proof of service of the complaint, a party to the lawsuit may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute.

(C) NOTICE.—Upon filing a request under subparagraph (B) and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (D), except that nothing in this paragraph shall limit the ability of a court to order preliminary injunctive relief to protect health and safety or to otherwise prevent irreparable harm.

(D) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under subparagraph (B) unless the parties agree to an extension of such period.

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—Subject to clause (ii), there is authorized to be appropriated to the Federal Mediation and Conciliation Service $5,600,000 for fiscal year 2023 and $4,600,000 for each of the following fiscal years to carry out this subparagraph.

(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized—

(I) to conduct the mediation or other dispute resolution activities from any other account containing amounts available to the Director; and

(II) to reimburse such account with amounts appropriated pursuant to clause (i).

(F) PRIVATE MEDIATION.—If all parties agree, a private mediator may be employed as an alternative to the Federal Mediation and Conciliation Service.

(c) FARM LABOR CONTRACTOR REQUIREMENTS.—

(1) SURETY BONDS.—

(A) REQUIREMENT.—Section 101 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811), is amended by adding at the end the following:

''(e) A farm labor contractor shall maintain a surety bond in an amount determined by the Secretary to be sufficient for ensuring the ability of the farm labor contractor to discharge its financial obligations, including payment of wages and benefits to employees. Such a bond shall be available to satisfy any amounts ordered to be paid by the Secretary or by court order for failure to comply with the obligations of this Act. The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for farm labor contractors to discharge financial obligations based on the number of workers to be covered.''.

(B) REGISTRATION DETERMINATIONS.—Section 103(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)), is amended—

(i) in paragraph (4), by striking ''or'' at the end;

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

(iii) in paragraph (6), by striking the period at the end and inserting '';''; and

(iv) by adding at the end the following:

''(7) has failed to maintain a surety bond in compliance with section 101(e); or

''(8) has been disqualified by the Secretary of Labor from importing nonimmigrants described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.''.

(2) SUCCESSORS IN INTEREST.—

(A) DECLARATION.—Section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812), is amended—

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

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

(iii) by adding at the end the following:

''(6) a declaration, subscribed and sworn to by the applicant, stating whether the applicant has a familial, contractual, or employment relationship with, or shares vehicles, facilities, property, or employees with, a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked, pursuant to section 103.''.

(B) REBUTTABLE PRESUMPTION.—Section 103 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813), as amended by this division, is further amended by inserting after subsection (a) the following new subsection (and by redesignating the subsequent subsections accordingly):

''(b)(1) There shall be a rebuttable presumption that an applicant for issuance or renewal of a certificate is not the real party in interest in the application if the applicant—

''(A) is the immediate family member of any person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked; and

''(B) identifies a vehicle, facility, or real property under paragraph (2) or (3) of section 102 that has been previously listed by a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked.

''(2) An applicant described in paragraph (1) bears the burden of demonstrating to the Secretary's satisfaction that the applicant is the real party in interest in the application.''.

(d) CONFORMING AMENDMENT.—Section 3(8)(B) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(8)(B) is amended to read as follows:

''(B) The term 'migrant agricultural worker' does not include any immediate family member of an agricultural employer or a farm labor contractor.''.

SEC. 205. REPORT ON WAGE PROTECTIONS.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Secretary of Labor and the Secretary of Agriculture shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses—

(1) whether, and the manner in which, the employment of H–2A workers in the United States has impacted the wages, working conditions, or job opportunities of United States farm workers;

(2) whether, and the manner in which, the adverse effect wage rate increases or decreases wages on United States farms, broken down by geographic region and farm size;

(3) whether any potential impact of the adverse effect wage rate varies based on the percentage of workers in a geographic region that are H–2A workers;

(4) the degree to which the adverse effect wage rate is affected by the inclusion in wage surveys of piece rate compensation, bonus payments, and other pay incentives, and whether such forms of incentive compensation should be surveyed and reported separately from hourly base rates;

(5) whether, and the manner in which, other factors may artificially affect the adverse effect wage rate, including factors that may be specific to a region, State, or region within a State;

(6) whether, and the manner in which, the H–2A program affects the ability of United States farms to compete with agricultural commodities imported from outside the United States;

(7) the number and percentage of farm workers in the United States whose incomes are below the poverty line;

(8) whether alternative wage standards would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of the H–2A program;

(9) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(10) recommendations for future wage protection for United States farm workers.

(b) INTERVIEWS.—In gathering information for the report required subsection (a), the Secretary of Labor and the Secretary of Agriculture shall interview equal numbers of representatives of agricultural employers and agricultural workers, both locally and nationally.

SEC. 206. PORTABLE H–2A VISA PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—

(A) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall promulgate regulations establishing a 6-year pilot program to facilitate the free movement and employment of temporary or seasonal H–2A workers to perform agricultural labor or services for agricultural employers registered with the Secretary of Agriculture.

(B) PROGRAM REQUIREMENTS.—Notwithstanding the requirements under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), the regulations promulgated pursuant to subparagraph (A) shall establish the requirements for the pilot program in accordance with subsection (b).

(C) DEFINED TERMS.—In this section:

(i) PORTABLE H–2A WORKER.—The term ''portable H–2A worker'' means an H–2A worker described in subparagraph (A).

(ii) PORTABLE H–2A STATUS.—The term ''portable H–2A status'' means the immigration status of a portable H–2A worker.

(2) ONLINE PLATFORM.—

(A) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall establish and maintain an online electronic platform to connect portable H–2A workers with registered agricultural employers seeking workers to perform temporary or seasonal agricultural labor or services.

(B) POSTING OF JOB OPPORTUNITIES.—Employers shall post information regarding available job opportunities on the platform established pursuant to subparagraph (A), which shall include—

(i) a description of the nature and location of the work to be performed;

(ii) the anticipated period or periods during which workers are needed; and

(iii) the terms and conditions of employment.

(C) SEARCH CRITERIA.—The platform established pursuant to subparagraph (A) shall allow portable H–2A workers to search for available job opportunities using relevant criteria, including the types of jobs needed to be filled and the dates and locations workers are needed by an employer.

(3) LIMITATION.—Notwithstanding the issuance of the regulation described in paragraph (1), the Secretary of State may not issue a portable H–2A visa and the Secretary of Homeland Security may not confer portable H–2A status on any alien until the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, determines that—

(A) a sufficient number of employers have been designated as registered agricultural employers pursuant to subsection (b)(1); and

(B) the employers referred to in subparagraph (A) have sufficient job opportunities to employ a reasonable number of portable H–2A workers to initiate the pilot program.

(b) PILOT PROGRAM ELEMENTS.—

(1) REGISTERED AGRICULTURAL EMPLOYERS.—

(A) DESIGNATION.—Agricultural employers shall be provided the ability to seek designation as registered agricultural employers. Reasonable fees may be assessed commensurate with the cost of processing applications for designation. A designation shall be valid for a period of up to 3 years unless revoked for failure to comply with program requirements. Registered employers that comply with program requirements may apply to renew such designation for additional periods of up to 3 years for the duration of the pilot program established pursuant to subsection (a).

(B) LIMITATIONS.—Registered agricultural employers—

(i) may employ aliens with portable H–2A status without filing a petition; and

(ii) shall pay such aliens not less than the wage required under section 218(d) of the Immigration and Nationality Act, as amended by section 202.

(C) WORKERS' COMPENSATION.—If a job opportunity is not covered by, or is exempt from, the applicable State workers' compensation law, a registered agricultural employer shall provide to portable H–2A workers, at no cost to such workers, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits that are at least equal to the benefits provided under the applicable State workers' compensation law.

(2) DESIGNATED WORKERS.—

(A) IN GENERAL.—Individuals who were previously admitted to the United States in H–2A status, and have maintained such status during the period of their admission, may apply for portable H–2A status. Portable H–2A workers shall be subject to the provisions regarding visa validity and periods of authorized stay and admission applicable to H–2A workers described in paragraphs (2) and (3) of section 218(j) of the Immigration and Nationality Act, as added by section 202.

(B) LIMITATIONS ON AVAILABILITY OF PORTABLE H–2A STATUS.—

(i) INITIAL OFFER OF EMPLOYMENT REQUIRED.—An alien may not be granted portable H–2A status without an initial valid offer of employment from a registered agricultural employer to perform temporary or agricultural labor or services.

(ii) NUMERICAL LIMITATIONS.—

(I) IN GENERAL.—Subject to subclause (II), the total number of aliens who may simultaneously hold valid portable H–2A status may not exceed 10,000.

(II) FURTHER LIMITATION.—The Secretary of Homeland Security may further limit the total number of aliens who may be granted portable H–2A status if the Secretary determines that there are an insufficient number of registered agricultural employers or job opportunities to support the employment of the number of portable H–2A workers authorized under subclause (I).

(C) SCOPE OF EMPLOYMENT.—A portable H–2A worker, during the period of his or her admission, may perform temporary or seasonal

agricultural labor or services for any employer in the United States that is designated as a registered agricultural employer pursuant to paragraph (1). An employment arrangement under this section may be terminated by the portable H–2A worker or the registered agricultural employer at any time.

(D) MAINTENANCE OF STATUS.—

(i) TRANSFER TO NEW EMPLOYMENT.—If a portable H–2A worker desires to maintain portable H–2A status after the conclusion of such worker's employment with a registered agricultural employer, such worker shall secure new employment with another registered agricultural employer not later than 60 days after the last day of employment with the previous employer.

(ii) MAINTENANCE OF STATUS.—A portable H–2A worker who does not secure new employment with a registered agricultural employer during the 60-day period referred to in clause (i)—

(I) shall be considered to have failed to maintain portable H–2A status; and

(II) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(C)(i)).

(3) ENFORCEMENT.—

(A) IN GENERAL.—The Secretary of Labor shall conduct investigations and random audits of employers to ensure compliance with the employment-related requirements under this section, in accordance with section 218(m) of the Immigration and Nationality Act, as added by section 202.

(B) PENALTIES.—The Secretary of Labor is authorized to collect reasonable civil penalties for violations of this section, which may be expended by the Secretary for the administration and enforcement of this section.

(4) ELIGIBILITY FOR SERVICES.—Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) is amended by striking ''other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted'' and inserting ''employment-related rights''.

(c) REPORT.—Not later than 30 months after the commencement of the pilot program established pursuant to subsection (a), the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the number of employers designated as registered agricultural employers, disaggregated by geographic region, farm size, and the number of job opportunities offered by such employers;

(2) the number of employers whose designation as a registered agricultural employer was revoked;

(3) the number of individuals granted portable H–2A status during each fiscal year and the number of such individuals who maintained portable H–2A status during all or a portion of the 3-year period of the pilot program;

(4) an assessment of the impact of the pilot program on the wages and working conditions of United States farm workers;

(5) the results of a survey of individuals granted portable H–2A status that describes their experiences with and their feedback regarding the pilot program;

(6) the results of a survey of registered agricultural employers that describes their experiences with and their feedback regarding the pilot program;

(7) an assessment regarding whether the pilot program should be continued and any recommendations for improving the pilot program; and

(8) findings and recommendations regarding effective recruitment mechanisms, including the use of new technology—

(A) to match workers with employers; and

(B) to ensure compliance with applicable labor and employment laws and regulations.

SEC. 207. IMPROVING ACCESS TO PERMANENT RESIDENCE.

(a) WORLDWIDE LEVEL.—Section 201(d)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)(A)) is amended by striking ''140,000'' and inserting ''200,000''.

(b) VISAS FOR FARM WORKERS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(2) in paragraph (2)(A) by striking ''28.6 percent of such worldwide level'' and inserting ''40,040'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking ''28.6 percent of such worldwide level'' and inserting ''100,040''; and

(ii) by amending clause (iii) to read as follows:

''(iii) OTHER WORKERS.—Other qualified immigrants who, at the time of petitioning for classification under this paragraph—

''(I) are capable of performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

''(II) can demonstrate employment in the United States as an H–2A nonimmigrant worker for at least 100 days in each of at least 10 years or for at least 1,000 days within the preceding 10-year period.'';

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

''(B) VISAS ALLOCATED FOR OTHER WORKERS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), 60,000 of the visas made available under this paragraph shall be reserved for qualified immigrants described in subparagraph (A)(iii).

''(ii) PREFERENCE FOR AGRICULTURAL WORKERS.—Subject to clause (iii), not fewer than 50,000 of the visas described in clause (i) shall be reserved for—

''(I) qualified immigrants described in subparagraph (A)(iii)(I) who will be performing agricultural labor or services in the United States; and

''(II) qualified immigrants described in subparagraph (A)(iii)(II).

''(iii) EXCEPTION.—If because of the application of clause (ii), the total number of visas available under this paragraph for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, clause (ii) shall not apply to visas under this paragraph during the remainder of such calendar quarter.

''(iv) NO PER COUNTRY LIMITS.—Visas described under clause (ii) shall be issued without regard to the numerical limitation under section 202(a)(2).''; and

(C) by amending subparagraph (C) by striking ''An immigrant visa'' and inserting ''Except for qualified immigrants petitioning for classification under subparagraph (A)(iii)(II), an immigrant visa'';

(4) in paragraph (4), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''; and

(5) in paragraph (5)(A), in the matter before clause (i), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''.

(c) WESTERN HEMISPHERE PROCEDURES.—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of State, may—

(1) identify countries in the Western Hemisphere with large flows of migration outside of normal trade and travel routes to the United States; and

(2) develop tools and resources and establish procedures to connect prospective workers described in section 203(b)(3)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(A)(iii)) from such countries to United States employers seeking temporary workers to perform agricultural labor or services.

(d) PETITIONING PROCEDURE.—Section 204(a)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(E)) is amended by inserting ''or 203(b)(3)(A)(iii)(II)'' after ''203(b)(1)(A)''.

(e) DUAL INTENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''section 101(a)(15)(H)(i) except subclause (b1) of such section'' and inserting ''clause (i), except subclause (b1), or (ii)(a) of section 101(a)(15)(H)''.

Subtitle B—Preservation and Construction of Farm Worker Housing

SEC. 220. SHORT TITLE.

This subtitle may be cited as the ''Strategy and Investment in Rural Housing Preservation Act of 2022''.

SEC. 221. NEW FARM WORKER HOUSING.

Section 513(e) of the Housing Act of 1949 (42 U.S.C. 1483(e)) is amended by adding at the end the following:

''(e) FUNDING FOR FARM WORKER HOUSING.—

''(1) SECTION 514 FARM WORKER HOUSING LOANS.—

''(A) INSURANCE AUTHORITY.—The Secretary of Agriculture, to the extent approved in appropriation Acts, may insure loans under section 514 totaling not more than $20,000,000 during each of the fiscal years 2023 through 2032.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $75,000,000 for each of the fiscal years 2023 through 2032 for the cost (as such term is defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5))) of loans insured pursuant to subparagraph (A).

''(2) SECTION 516 GRANTS FOR FARMWORKER HOUSING.—There is authorized to be appropriated $30,000,000 for each of the fiscal years 2023 through 2032 for financial assistance authorized under section 516.

''(3) SECTION 521 HOUSING ASSISTANCE.—There is authorized to be appropriated $26,800,000 for each of the fiscal years 2023 through 2032 for—

''(A) rental assistance agreements entered into or renewed pursuant to section 521(a)(2); or

''(B) agreements entered into in lieu of debt forgiveness or payments for eligible households authorized under section 502(c)(5)(D).

''(4) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated 5 percent of any amounts made available for the housing assistance program under this section for any fiscal year, which shall be used for administrative expenses for such program.''.

SEC. 222. LOAN AND GRANT LIMITATIONS.

Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by inserting after subsection (c) the following:

''(d) PER PROJECT LIMITATIONS ON ASSISTANCE.—If the Secretary, in making available assistance in any area under this section or section 516, establishes a limitation on the amount of assistance available per project, the limitation on a grant or loan award per project shall not be less than $5,000,000.''.

SEC. 223. OPERATING ASSISTANCE SUBSIDIES.

Section 521(a)(5) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)) is amended—

(1) in subparagraph (A) by striking ''migrant farmworkers'' and inserting ''migrant farm workers or domestic farm labor legally admitted to the United States and authorized to work in agriculture'';

(2) in subparagraph (B)—

(A) by striking ''In any fiscal year'' and inserting the following: ''

''(i) HOUSING FOR MIGRANT FARM WORKERS.—In any fiscal year'';

(B) by inserting ''providing housing for migrant farm workers'' after ''any project''; and

(C) by adding at the end the following:

''(ii) HOUSING FOR OTHER FARM LABOR.—The assistance provided under this paragraph in any fiscal year for any project providing housing for domestic farm labor legally admitted to the United States and authorized to work in agriculture may not exceed an amount equal to 50 percent of the operating costs for such project for such year, as determined by the Secretary. The owner of such project does not qualify for operating assistance unless the Secretary certifies that—

''(I) such project was unoccupied or underutilized before making units available to such farm labor; and

''(II) a grant under this section will not displace any farm worker who is a United States worker.''; and

(3) in subparagraph (D)—

(A) by redesignating clauses (i) and (ii) as clause (ii) and (iii), respectively; and

(B) by inserting before clause (ii), as redesignated, the following:

''(iii) The term 'domestic farm labor' has the meaning given such term in section 514(f)(3), except that subparagraph (A) of such section shall not apply for purposes of this paragraph.''.

SEC. 224. RENTAL ASSISTANCE CONTRACT AUTHORITY.

Section 521(d) of the Housing Act of 1949 (42 U.S.C. 1490a(d)) is amended—

(1) in paragraph (1)—

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

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

''(B) upon the request of an owner of a project financed under section 514 or 515, the Secretary is authorized to enter into renewal of such agreements for a period equal to the shorter of 20 years or the term of the loan, subject to amounts made available for such purpose in appropriations Acts;''; and

(2) by adding at the end the following:

''(3) If any rental assistance contract authority becomes available because of the termination of assistance on behalf of an assisted family—

''(A) at the option of the owner of the rental project, the Secretary shall provide the owner a period of 6 months before such assistance is made available pursuant to subparagraph (B) during which the owner may use such assistance authority to provide assistance of behalf of an eligible unassisted family that—

''(i) is residing in the same rental project that the assisted family resided in prior to such termination; or

''(ii) newly occupies a dwelling unit in such rental project during such period; and

''(B) except for assistance used in accordance with subparagraph (A), the Secretary shall use such remaining authority to provide such assistance on behalf of eligible families residing in other rental projects originally financed under section 515 or under sections 514 and 516.''.

SEC. 225. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.

Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) is amended by adding at the end the following:

''(c) ELIGIBILITY OF HOUSEHOLDS IN SECTIONS 514, 515, AND 516 PROJECTS.—The Secretary, in consultation with the Under Secretary of Agriculture for Rural Development, may provide rural housing vouchers under this section for any low-income household (including households not receiving rental assistance) residing in a property financed with a loan made or insured under section 514 or 515 which has been prepaid without restrictions imposed by the Secretary pursuant to section 502(c)(5)(G)(ii)(I), has been foreclosed, or has matured after September 30, 2005, or residing in a property assisted under section 514 or 516 that is owned by a nonprofit organization or public agency.''.

SEC. 226. PERMANENT ESTABLISHMENT OF HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following:

''SEC. 545. HOUSING PRESERVATION AND REVITALIZATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall carry out a program that preserves and revitalizes multifamily rental housing projects financed under section 515 or under sections 514 and 516.

''(b) NOTICE OF MATURING LOANS.—

''(1) TO OWNERS.—The Secretary shall provide annual written notice to each owner of a property financed under section 515 or under sections 514 and 516 that will mature during the 4-year period beginning on the date on which such notice is provided. Such notice shall set forth—

''(A) the options and financial incentives that are available to facilitate the extension of the loan term; or

''(B) the option to decouple a rental assistance contract pursuant to subsection (f).

''(2) TO TENANTS.—

''(A) IN GENERAL.—Not later than 2 years before the date of maturity of a loan authorized under section 515 or under sections 514 and 516 for real property, the owner of such property who received a notice pursuant to paragraph (1) shall provide written notice to each household residing in such property to inform the household of—

''(i) the date of the loan maturity;

''(ii) the possible actions that may happen with respect to the property on or after such date; and

''(iii) how to protect their right to reside in federally assisted housing after such date.

''(B) LANGUAGE.—Each notice provided under subparagraph (A)—

''(i) shall be written in plain English; and

''(ii) shall be translated to other languages if the relevant property is located in an area in which a significant number of residents speak such other languages.

''(C) NOTICE TEMPLATE.—Not later than 1 year after the date of the enactment of this section, the Under Secretary of Agriculture for Rural Development, in consultation with the Secretary of Housing and Urban Development, should publish a template of a notice that owners may use to provide the information required under this paragraph to their tenants.

''(c) LOAN RESTRUCTURING.—Under the program carried out under this section, the Secretary may restructure such existing housing loans as the Secretary considers appropriate to ensure that such projects have sufficient resources to preserve the projects to provide safe and affordable housing for low-income residents and farm laborers by—

''(1) reducing or eliminating interest;

''(2) deferring loan payments;

''(3) subordinating, reducing, or reamortizing loan debt; and

''(4) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary.

''(d) RENEWAL OF RENTAL ASSISTANCE.—If the Secretary offers to restructure a loan pursuant to subsection (c), the Secretary shall offer to renew the rental assistance contract under section 521(a)(2) for a 20-year term, subject to annual appropriations, if the property owner agrees to bring the property up to such standards that will ensure its maintenance as decent, safe, and sanitary housing for the full term of the rental assistance contract.

''(e) RESTRICTIVE USE AGREEMENTS.—

''(1) REQUIREMENT.—As part of the preservation and revitalization agreement for a project, the Secretary shall obtain a restrictive use agreement that obligates the owner to operate the project in accordance with the provisions under this title.

''(2) TERM.—

''(A) NO EXTENSION OF RENTAL ASSISTANCE CONTRACT.—Unless the Secretary enters into a 20-year extension of the rental assistance contract for the project, the term of the restrictive use agreement for the project shall be equal to the term of the restructured loan for the project.

''(B) EXTENSION OF RENTAL ASSISTANCE CONTRACT.—If the Secretary enters into a 20-year extension of the rental assistance contract for a project, the term of the restrictive use agreement for the project shall be 20 years.

''(C) TERMINATION.—The Secretary may terminate the 20-year use restrictive use agreement for a project before the end of its term if the 20-year rental assistance contract for the project with the owner is terminated at any time for reasons outside the owner's control.

''(f) DECOUPLING OF RENTAL ASSISTANCE.—

''(1) RENEWAL OF RENTAL ASSISTANCE CONTRACT.—If the Secretary determines that a maturing loan for a project cannot reasonably be restructured in accordance with subsection (c) and the project was operating with rental assistance under section 521, the Secretary may renew the rental assistance contract, notwithstanding any provision of section 521, for a term, subject to annual appropriations, of at least 10 years but not more than 20 years.

''(2) RENTS.—Any agreement to extend the term of the rental assistance contract under section 521 for a project shall obligate the owner to continue to maintain the project as decent, safe and sanitary housing and to operate the development in accordance with this title, except that rents shall be based on the lesser of—

''(A) the budget-based needs of the project; or

''(B) the operating cost adjustment factor as a payment standard as provided under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note).

''(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL ASSISTANCE.—Under the program under this section, the Secretary may provide grants to qualified non-profit organizations and public housing agencies to provide technical assistance, including financial and legal services, to borrowers under loans under this title for multifamily housing to facilitate the acquisition of such multifamily housing properties in areas where the Secretary determines there is a risk of loss of affordable housing.

''(h) TRANSFER OF RENTAL ASSISTANCE.—After the loan or loans for a rental project originally financed under section 515 or both sections 514 and 516 have matured or have been prepaid and the owner has chosen not to restructure the loan pursuant to subsection (c), a tenant residing in such project shall have 18 months prior to loan maturation or

prepayment to transfer the rental assistance assigned to the tenant's unit to another rental project originally financed under section 515 or both sections 514 and 516, and the owner of the initial project may rent the tenant's previous unit to a new tenant without income restrictions.

''(i) ADMINISTRATIVE EXPENSES.—Of any amounts made available for the program under this section for any fiscal year, the Secretary may use not more than $1,000,000 for administrative expenses for carrying out such program.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the program under this section $100,000,000 for each of the fiscal years 2023 through 2027.''.

SEC. 227. AMOUNT OF VOUCHER ASSISTANCE.

Notwithstanding any other provision of law, the amount of the monthly assistance payment for the household on whose behalf a rural housing voucher is provided pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), shall be determined in accordance with subsection (a) of such section 542.

SEC. 228. FUNDING FOR MULTIFAMILY TECHNICAL IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Agriculture $50,000,000 for fiscal year 2023, which shall be used to improve the technology of the Department of Agriculture that is used to process loans for multifamily housing and otherwise managing such housing.

(b) AVAILABILITY OF FUNDS.—The improvements authorized under subsection (a) shall be made during the 5-year period beginning upon the date that the amounts appropriated under such subsection are available. Such amounts shall remain available until the last day of such 5-year period.

SEC. 229. PLAN FOR PRESERVING AFFORDABILITY OF RENTAL PROJECTS.

(a) PLAN.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall submit a written plan to Congress for preserving the affordability for low-income families of rental projects for which loans were made under section 514 or 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485) and avoiding the displacement of tenant households. Such plan shall—

(1) set forth specific performance goals and measures;

(2) set forth the specific actions and mechanisms by which such goals will be achieved;

(3) set forth specific measurements by which progress towards achievement of each goal can be measured;

(4) provide for detailed reporting on outcomes; and

(5) include any legislative recommendations to assist in achievement of the goals under the plan.

(b) CONSULTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Secretary shall consult with the individuals described in paragraph (2) to assist the Secretary—

(A) in preserving the properties described in subsection (a) through the housing preservation and revitalization program authorized under section 545 of the Housing Act of 1949, as added by section 226; and

(B) in implementing the plan required under subsection (a).

(2) CONSULTEES.—The individuals described in this paragraph are—

(A) a State Director of Rural Development for the Department of Agriculture;

(B) the Administrator for Rural Housing Service of the Department of Agriculture;

(C) 2 representatives of for-profit developers or owners of multifamily rural rental housing;

(D) 2 representatives of non-profit developers or owners of multifamily rural rental housing;

(E) 2 representatives of State housing finance agencies;

(F) 2 representatives of tenants of multifamily rural rental housing;

(G) 1 representative of a community development financial institution that is involved in preserving the affordability of housing assisted under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, and 1486);

(H) 1 representative of a nonprofit organization that operates nationally and has actively participated in the preservation of housing assisted by the Rural Housing Service by conducting research regarding, and providing financing and technical assistance for, preserving the affordability of such housing;

(I) 1 representative of low-income housing tax credit investors;

(J) 1 representative of regulated financial institutions that finance affordable multifamily rural rental housing developments; and

(K) 2 representatives from non-profit organizations representing farm workers, including one organization representing farm worker women.

(3) CONDUCT OF CONSULTATIONS.—In consulting with the individuals described in paragraph (2), the Secretary may request that such individuals—

(A) assist the Rural Housing Service of the Department of Agriculture to improve estimates of the size, scope, and condition of rental housing portfolio of the Service, including the time frames for maturity of mortgages and costs for preserving the portfolio as affordable housing;

(B) review current policies and procedures of the Rural Housing Service regarding—

(i) the preservation of affordable rental housing financed under sections 514, 515, 516, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, and 1490);

(ii) the housing preservation and revitalization program authorized under section 545 of such Act, as added by section 226; and

(iii) the rental assistance program;

(C) make recommendations regarding improvements and modifications to the policies and procedures referred to in subparagraph (B); and

(D) provide ongoing review of Rural Housing Service program results.

(4) TRAVEL COSTS.—Any amounts made available for administrative costs of the Department of Agriculture may be used for costs of travel by individuals described in paragraph (2) to carry out the activities described in paragraph (3).

SEC. 230. COVERED HOUSING PROGRAMS.

Section 41411(a)(3) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)) is amended—

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

(2) by redesignating subparagraph (P) as subparagraph (Q); and

(3) by inserting after subparagraph (O) the following:

''(P) rural development housing voucher assistance provided by the Secretary of Agriculture pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), without regard to subsection (b) of such section, and applicable appropriation Acts; and''.

SEC. 231. ELIGIBILITY OF CERTIFIED WORKERS.

Section 214(a) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) an alien granted certified agricultural worker or certified agricultural dependent status under title I of the Affordable and Secure Food Act of 2022, but solely for financial assistance made available pursuant to section 521 or 542 of the Housing Act of 1949 (42 U.S.C. 1490a and 1490r); or''.

Subtitle C—Foreign Labor Recruiter Accountability

SEC. 251. DEFINITIONS.

In this subtitle:

(1) FOREIGN LABOR RECRUITER.—The term ''foreign labor recruiter'' means any person who performs foreign labor recruiting activity in exchange for money or other valuable consideration paid or promised to be paid, to recruit individuals to work as nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including any person who performs foreign labor recruiting activity wholly outside of the United States. Such term does not include any entity of the United States Government or an employer, or employee of an employer, who engages in foreign labor recruiting activity solely to find employees for that employer's own use, and without the participation of any other foreign labor recruiter.

(2) FOREIGN LABOR RECRUITING ACTIVITY.—The term ''foreign labor recruiting activity'' means recruiting, soliciting, or related activities with respect to an individual who resides outside of the United States in furtherance of employment in the United States, including when such activity occurs wholly outside of the United States.

(3) PERSON.—The term ''person'' means any natural person or any corporation, company, firm, partnership, joint stock company or association or other organization or entity (whether organized under law or not), including municipal corporations.

(4) RECRUITMENT FEES.—The term ''recruitment fees'' has the meaning given to such term under section 22.1702 of title 22 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 252. REGISTRATION OF FOREIGN LABOR RECRUITERS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish procedures for the electronic registration of foreign labor recruiters engaged in the recruitment of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricultural labor or services in the United States.

(b) PROCEDURAL REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) require the applicant to submit a sworn declaration—

(A) stating the applicant's permanent place of residence or principal place of business, as applicable;

(B) describing the foreign labor recruiting activities in which the applicant is engaged; and

(C) including such other relevant information as the Secretary of Labor and the Secretary of State may require;

(2) include an expeditious means to update and renew registrations;

(3) include a process, which shall include the placement of personnel at each United States diplomatic mission in accordance with subsection (g)(2), to receive information from the public regarding foreign labor recruiters who have allegedly engaged in a foreign labor recruiting activity that is prohibited under this subtitle;

(4) include procedures for the receipt and processing of complaints against foreign labor recruiters and for remedies, including the revocation of a registration or the assessment of fines upon a determination by the Secretary of Labor that the foreign labor recruiter has violated the requirements under this subtitle;

(5) require the applicant to post a bond in an amount sufficient to ensure the ability of the applicant to discharge its responsibilities and ensure protection of workers, including payment of wages; and

(6) allow the Secretary of Labor and the Secretary of State to consult with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor recruiter or revoke such registration.

(c) ATTESTATIONS.—Foreign labor recruiters registering under this subtitle shall attest and agree to abide by the following requirements:

(1) PROHIBITED FEES.—The foreign labor recruiter, including any agent or employee of such foreign labor recruiter, shall not assess any recruitment fees on a worker for any foreign labor recruiting activity.

(2) PROHIBITION ON FALSE AND MISLEADING INFORMATION.—The foreign labor recruiter shall not knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under this subtitle.

(3) REQUIRED DISCLOSURES.—The foreign labor recruiter shall ascertain and disclose to the worker in writing in English and in the primary language of the worker at the time of the worker's recruitment, the following information:

(A) The identity and address of the employer and the identity and address of the person conducting the recruiting on behalf of the employer, including each subcontractor or agent involved in such recruiting.

(B) A copy of the approved job order or work contract under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), including all assurances and terms and conditions of employment.

(C) A statement, in a form specified by the Secretary—

(i) describing the general terms and conditions associated with obtaining an H–2A nonimmigrant visa and maintaining H–2A nonimmigrant status;

(ii) affirming the prohibition on the assessment of fees described in paragraph (1), and explaining that such fees, if paid by the employer, may not be passed on to the worker;

(iii) describing the protections afforded the worker under this subtitle, including procedures for reporting violations to the Secretary of State, filing a complaint with the Secretary of Labor, or filing a civil action; and

(iv) describing the protections afforded the worker by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b), including the telephone number for the national human trafficking resource center hotline number.

(4) BOND.—The foreign labor recruiter shall agree to maintain a bond sufficient to ensure the ability of the foreign labor recruiter to discharge its responsibilities and ensure protection of workers, and to forfeit such bond in an amount determined by the Secretary under subsections (b)(1)(C)(ii) or (c)(2)(C) of section 253 for failure to comply with the provisions under this subtitle.

(5) COOPERATION IN INVESTIGATION.—The foreign labor recruiter shall agree to cooperate in any investigation under section 253 by the Secretary or other appropriate authorities.

(6) NO RETALIATION.—The foreign labor recruiter shall agree to refrain from intimidating, threatening, restraining, coercing, discharging, blacklisting or in any other manner discriminating or retaliating against any worker or their family members (including a former worker or an applicant for employment) because such worker disclosed information to any person based on a reason to believe that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter, is engaging or has engaged in a foreign labor recruiting activity that does not comply with this subtitle.

(7) EMPLOYEES, AGENTS, AND SUBCONTRACTEES.—The foreign labor recruiter shall consent to be liable for the conduct of any agents or subcontractees of any level in relation to the foreign labor recruiting activity of the agent or subcontractee to the same extent as if the foreign labor recruiter had engaged in such conduct.

(8) ENFORCEMENT.—If the foreign labor recruiter is conducting foreign labor recruiting activity wholly outside the United States, such foreign labor recruiter shall—

(A) establish a registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter for the purpose of any administrative proceeding under this title or in any civil action in any Federal or State court, if such service is made in accordance with the appropriate Federal or State rules for service of process, as applicable; and

(B) as a condition of registration, consent to the jurisdiction of any Federal or State court in a State where recruited workers are placed.

(d) TERM OF REGISTRATION.—Unless suspended or revoked, a registration under this section shall be valid for 2 years.

(e) APPLICATION FEE.—The Secretary of Labor shall require a foreign labor recruiter that submits an application for registration under this section to pay a reasonable fee, sufficient to cover the full costs of carrying out the registration activities under this subtitle.

(f) NOTIFICATION.—

(1) EMPLOYER NOTIFICATION.—

(A) IN GENERAL.—Not less frequently than once every year, an employer of H–2A workers shall provide the Secretary with the names and addresses of all foreign labor recruiters engaged to perform foreign labor recruiting activity on behalf of the employer, whether the foreign labor recruiter is to receive any economic compensation for such services, and, if so, the identity of the person or entity who is paying for the services.

(B) AGREEMENT TO COOPERATE.—In addition to the requirements of subparagraph (A), the employer shall—

(i) provide to the Secretary the identity of any foreign labor recruiter whom the employer has reason to believe is engaging in foreign labor recruiting activities that do not comply with this subtitle; and

(ii) promptly respond to any request by the Secretary for information regarding the identity of a foreign labor recruiter with whom the employer has a contract or other agreement.

(2) FOREIGN LABOR RECRUITER NOTIFICATION.—A registered foreign labor recruiter shall notify the Secretary, not less frequently than once every year, of the identity of any subcontractee, agent, or foreign labor recruiter employee involved in any foreign labor recruiting activity for, or on behalf of, the foreign labor recruiter.

(g) ADDITIONAL RESPONSIBILITIES OF THE SECRETARY OF STATE.—

(1) LISTS.—The Secretary of State, in consultation with the Secretary of Labor shall maintain and make publicly available in written form and on the websites of United States embassies in the official language of that country, and on websites maintained by the Secretary of Labor, regularly updated lists—

(A) of foreign labor recruiters who hold valid registrations under this section, including—

(i) the name and address of the foreign labor recruiter;

(ii) the countries in which such recruiters conduct recruitment;

(iii) the employers for whom recruiting is conducted;

(iv) the occupations that are the subject of recruitment;

(v) the States where recruited workers are employed; and

(vi) the name and address of the registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter; and

(B) of foreign labor recruiters whose registration the Secretary has revoked.

(2) PERSONNEL.—The Secretary of State shall ensure that each United States diplomatic mission is staffed with a person who shall be responsible for receiving information from members of the public regarding potential violations of the requirements applicable to registered foreign labor recruiters and ensuring that such information is conveyed to the Secretary of Labor for evaluation and initiation of an enforcement action, if appropriate.

(3) VISA APPLICATION PROCEDURES.—The Secretary of State shall ensure that consular officers issuing visas to nonimmigrants under section 101(a)(1)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 11001(a)(1)(H)(ii)(a))—

(A) provide to and review with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b);

(B) ensure that the applicant has a copy of the approved job offer or work contract;

(C) note in the visa application file whether the foreign labor recruiter has a valid registration under this section; and

(D) if the foreign labor recruiter holds a valid registration, review and include in the visa application file, the foreign labor recruiter's disclosures required by subsection (c)(3).

(4) DATA.—The Secretary of State shall make publicly available online, on an annual basis, data disclosing the gender, country of origin (and State, county, or province, if available), age, wage, level of training, and occupational classification, disaggregated by State, of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

SEC. 253. ENFORCEMENT.

(a) DENIAL OR REVOCATION OF REGISTRATION.—

(1) GROUNDS FOR DENIAL OR REVOCATION.—The Secretary of Labor shall deny an application for registration, or revoke a registration, if the Secretary determines that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter—

(A) knowingly made a material misrepresentation in the registration application;

(B) materially failed to comply with one or more of the attestations provided under section 252(c); or

(C) is not the real party in interest.

(2) NOTICE.—Before denying an application for registration or revoking a registration under this subsection, the Secretary of Labor shall provide written notice of the intent to deny or revoke the registration to

the foreign labor recruiter. Such notice shall—

(A) articulate with specificity all grounds for denial or revocation; and

(B) provide the foreign labor recruiter with not less than 60 days to respond.

(3) RE-REGISTRATION.—A foreign labor recruiter whose registration was revoked under subsection (a) may re-register if the foreign labor recruiter demonstrates, to the Secretary of Labor's satisfaction, that the foreign labor recruiter—

(A) has not violated any requirement under this subtitle during the 5 year-period immediately preceding the date on which an application for registration was filed; and

(B) has taken sufficient steps to prevent future violations of this subtitle.

(b) ADMINISTRATIVE ENFORCEMENT.—

(1) COMPLAINT PROCESS.—

(A) FILING.—A complaint may be filed with the Secretary of Labor, in accordance with the procedures established under section 252(b)(4) not later than 2 years after the earlier of—

(i) the date on which the last action constituting the conduct that is the subject of the complaint took place; or

(ii) the date on which the aggrieved party had actual knowledge of such conduct.

(B) DECISION AND PENALTIES.—If the Secretary of Labor determines, after notice and an opportunity for a hearing, that a foreign labor recruiter failed to comply with any of the requirements under this subtitle, the Secretary of Labor may—

(i) levy a fine against the foreign labor recruiter in an amount not more than—

(I) $10,000 per violation; and

(II) $25,000 per violation, upon the third violation;

(ii) order the forfeiture (or partial forfeiture) of the bond and release of as much of the bond as the Secretary determines is necessary for the worker to recover prohibited recruitment fees;

(iii) refuse to issue or renew a registration, or revoke a registration; or

(iv) disqualify the foreign labor recruiter from registration for a period of up to 5 years, or in the case of a subsequent finding involving willful or multiple material violations, permanently disqualify the foreign labor recruiter from registration.

(2) AUTHORITY TO ENSURE COMPLIANCE.—The Secretary of Labor is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief, as may be necessary to assure compliance with the terms and conditions of this subtitle.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

(B) in the absence of a complaint.

(c) CIVIL ACTION.—

(1) IN GENERAL.—The Secretary of Labor or any person aggrieved by a violation of this subtitle may bring a civil action against any foreign labor recruiter, or any employer that does not meet the requirements under subsection (d)(1), in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief; and

(B) for damages in accordance with the provisions of this subsection.

(2) AWARD FOR CIVIL ACTION FILED BY AN INDIVIDUAL.—

(A) IN GENERAL.—If a court finds, in a civil action filed by an individual under paragraph (1), that the defendant has violated any provision of this subtitle, the court may award—

(i) damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(I) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only one violation for purposes of this subsection to determine the amount of statutory damages due a plaintiff; and

(II) if such complaint is certified as a class action the court may award—

(aa) damages up to an amount equal to the amount of actual damages; and

(bb) statutory damages of not more than the lesser of up to $1,000 per class member per violation, or up to $500,000; and other equitable relief;

(ii) reasonable attorneys' fees and costs; and

(iii) such other and further relief as necessary to effectuate the purposes of this subtitle.

(B) CRITERIA.—In determining the amount of statutory damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) BOND.—To satisfy the damages, fees, and costs found owing under this paragraph, the Secretary shall release as much of the bond held pursuant to section 252(c)(4) as is necessary.

(3) SUMS RECOVERED IN ACTIONS BY THE SECRETARY OF LABOR.—

(A) ESTABLISHMENT OF ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''H–2A Foreign Labor Recruiter Compensation Account''. Notwithstanding any other provisions of law, there shall be deposited, as offsetting receipts into such account, all sums recovered in an action by the Secretary of Labor under this subsection.

(B) USE OF FUNDS.—Amounts deposited into the H–2A Foreign Labor Recruiter Compensation Account shall be paid directly to each worker affected by a violation under this subtitle. Any such sums not paid to a worker because of inability to do so within a period of 5 years following the date such funds are deposited into the account shall remain available to the Secretary until expended. The Secretary may transfer all or a portion of such remaining sums to appropriate agencies to support the enforcement of the laws prohibiting the trafficking and exploitation of persons or programs that aid trafficking victims.

(d) EMPLOYER SAFE HARBOR.—

(1) IN GENERAL.—An employer that hires workers referred by a foreign labor recruiter with a valid registration at the time of hiring shall not be held jointly liable for a violation committed solely by a foreign labor recruiter under this subtitle—

(A) in any administrative action initiated by the Secretary concerning such violation; or

(B) in any Federal or State civil court action filed against the foreign labor recruiter by or on behalf of such workers or other aggrieved party under this subtitle.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this subtitle or any other Federal or State law against any employer who hired workers referred by a foreign labor recruiter—

(A) without a valid registration at the time of hire; or

(B) with a valid registration if the employer knew or learned of the violation and failed to report such violation to the Secretary of Labor.

(e) PAROLE TO PURSUE RELIEF.—If other immigration relief is not available, the Secretary of Homeland Security may grant parole to permit an individual to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to subsection (b) or (c) or section 202, 204, or 206.

(f) WAIVER OF RIGHTS.—Agreements by employees purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(g) LIABILITY FOR AGENTS.—Foreign labor recruiters shall be subject to the provisions of this section for violations committed by the foreign labor recruiter's agents or subcontractees of any level in relation to their foreign labor recruiting activity to the same extent as if the foreign labor recruiter had committed such a violation.

SEC. 254. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for the Secretary of Labor and the Secretary of State to carry out the provisions of this subtitle.

TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY

SEC. 301. ELECTRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

''SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY.

''(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish and administer an electronic verification system (referred to in this section as the 'System'), patterned on the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4) of the Affordable and Secure Food Act of 2022), and using the employment eligibility confirmation system established under section 404 of such Act (8 U.S.C. 1324a note) (as so in effect) as a foundation, through which the Secretary shall—

''(A) respond to legitimate inquiries made by persons or entities seeking to verify the identity and employment authorization of individuals that such persons or entities have hired, or to recruit or refer for a fee, for employment in the United States; and

''(B) maintain records of the inquiries that were made, and of verifications provided (or not provided) to such persons or entities as evidence of compliance with the requirements of this section.

''(2) INITIAL RESPONSE DEADLINE.—

''(A) IN GENERAL.—The System shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment authorization as soon as practicable, but not later than 3 calendar days after the initial inquiry.

''(B) EXTENSION OF TIME PERIOD.—If a person or other entity attempts in good faith to make an inquiry through the System during a period in which the System is offline due to a technical issue, a natural disaster, or another reason, the System shall provide the confirmation or nonconfirmation required under subparagraph (A) as soon as practicable after the System becomes fully operational.

''(3) GENERAL DESIGN AND OPERATION OF SYSTEM.—The Secretary shall design and operate the System—

''(A) using responsive web design and other technology approaches to maximize its ease of use and accessibility for users on a variety of electronic devices and screen sizes, and in remote locations;

''(B) to maximize the accuracy of responses to inquiries submitted by persons or entities;

''(C) to maximize the reliability of the System and to register each instance when the System is unable to receive inquiries;

''(D) to maintain and safeguard the privacy and security of the personally identifiable information maintained by or submitted to the System, in accordance with applicable law;

''(E) to provide direct notification of an inquiry to an individual with respect to whom the inquiry is made, including the results of such inquiry, and information related to the process for challenging the results, in cases in which the individual has established a user account as described in paragraph (4)(B) or an electronic mail or messaging address for the individual is submitted by the person or entity at the time the inquiry is made; and

''(F) to maintain appropriate administrative, technical, and physical safeguards to prevent misuse of the System and unfair immigration-related employment practices.

''(4) MEASURES TO PREVENT IDENTITY THEFT AND OTHER FORMS OF FRAUD.—To prevent identity theft and other forms of fraud, the Secretary shall design and operate the System with the following attributes:

''(A) PHOTO MATCHING TOOL.—The System shall display a digital photograph of the individual, if available, that corresponds to the document presented by an individual to establish identity and employment authorization so that the person or entity that makes an inquiry can compare the photograph displayed by the System to the photograph on the document presented by the individual. The individual may not be deemed ineligible for employment solely for failure to match using the photo matching tool. The verification of an individual's employment eligibility shall be made based on the totality of the information available.

''(B) INDIVIDUAL MONITORING AND SUSPENSION OF IDENTIFYING INFORMATION.—The System shall enable individuals to establish user accounts, after authentication of an individual's identity, that would allow each individual—

''(i) to confirm the individual's own employment authorization;

''(ii) to receive electronic notification when the individual's Social Security account number or other personally identifying information has been submitted to the System;

''(iii) to monitor the use history of the individual's personally identifying information in the System, including the identities of all persons or entities that have submitted such identifying information to the System, the date of each query run, and the System response for each query run;

''(iv) to suspend or limit the use of the individual's Social Security account number or other personally identifying information for purposes of the System; and

''(v) to provide notice to the Department of Homeland Security of any suspected identity fraud or other improper use of personally identifying information.

''(C) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Commissioner of Social Security (referred to in this section as the 'Commissioner'), shall issue, after publication in the Federal Register and an opportunity for public comment, a final rule establishing a process by which Social Security account numbers that have been identified to be subject to unusual multiple use in the System or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, will be blocked from use in the System unless an individual using such a number establishes, through secure and fair procedures, that the individual is the legitimate holder of such number.

''(ii) CONTINUATION OF EXISTING SELF LOCK SYSTEM.—During the period in which the Commissioner of Social Security is developing the process required under clause (i), the Commissioner shall maintain the Self Lock system that permits individuals to prevent unauthorized users from using their Social Security account numbers to confirm employment authorization through E–Verify.

''(iii) NOTICE.—If the Secretary blocks or suspends a Social Security account number pursuant to this subparagraph, the Secretary shall provide notice to the persons or entities that have made inquiries to the System using such account number that the identity and employment authorization of the individual who provided such account number must be re-verified.

''(D) ADDITIONAL IDENTITY AUTHENTICATION TOOL.—The Secretary shall develop additional security measures to adequately verify the identity of an individual whose identity may not be verified using the photo matching tool described in subparagraph (A). Such additional security measures shall be—

''(i) kept up-to-date with technological advances;

''(ii) designed to provide a high level of certainty with respect to identity authentication; and

''(iii) designed to safeguard the individual's privacy and civil liberties.

''(E) CHILD-LOCK PILOT PROGRAM.—The Secretary, in consultation with the Commissioner, shall establish a reliable, secure program, on a limited, pilot basis, for suspending or limiting the use of the Social Security account number or other personally identifying information of children for purposes of the System.

''(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner—

''(A) , in consultation with the Secretary, shall establish a reliable, secure method that, within the periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and Social Security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate)—

''(i) the information provided by the person or entity with respect to an individual whose identity and employment authorization the person or entity seeks to confirm;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual has presented a Social Security account number that is not valid for employment;

''(B) may not disclose or release Social Security information (other than such confirmation or nonconfirmation) under the System except as provided under this section;

''(C) shall coordinate and provide the Department of Homeland Security with access to the Social Security Administration's systems that are necessary to resolve tentative nonconfirmations without direct Social Security Administration involvement; and

''(D) shall establish electronic or call-in resolution systems.

''(6) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

''(A) IN GENERAL.—The Secretary shall establish a reliable, secure method that, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and identification or other authorization number (or any other information determined relevant by the Secretary) that are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate)—

''(i) the information provided;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual is authorized to be employed in the United States.

''(B) TRAINING.—The Secretary shall provide and regularly update required training and training materials on the use of the System for persons and entities making inquiries.

''(C) AUDIT.—The Secretary shall provide for periodic auditing of the System to detect and prevent misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in the System.

''(D) NOTICE OF SYSTEM CHANGES.—The Secretary shall provide appropriate notification to persons and entities registered in the System of any change made by the Secretary or the Commissioner related to permitted and prohibited documents, and use of the System.

''(7) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall—

''(A) provide to the Secretary with access to passport and visa information as needed to confirm that—

''(i) a passport or passport card presented under subsection (b)(3)(A)(i) confirms the employment authorization and identity of the individual presenting such document;

''(ii) a passport, passport card, or visa photograph matches the Secretary of State's records; and

''(B) provide such assistance as the Secretary may request to resolve tentative nonconfirmations or final nonconfirmations relating to information described in subparagraph (A).

''(8) UPDATING INFORMATION.—The Commissioner, the Secretary, and the Secretary of State shall—

''(A) update records in their custody in a manner that promotes maximum accuracy of the System; and

''(B) provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention through the tentative nonconfirmation review process under subsection (b)(4)(D).

''(9) MANDATORY AND VOLUNTARY SYSTEM USERS.—

''(A) MANDATORY USERS.—Except as otherwise provided under Federal or State law, including sections 302 and 303 of the Affordable and Secure Food Act of 2022, nothing in this section may be construed to require the use of the System by any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States.

''(B) VOLUNTARY USERS.—Beginning after the date that is 30 days after the date on which final rules are published under section 309(a) of the Affordable and Secure Food Act of 2022, a person or entity may use the System on a voluntary basis to seek verification of the identity and employment authorization of individuals who the person or entity is hiring, recruiting, or referring for a fee for employment in the United States.

''(C) PROCESS FOR NON-USERS.—The employment verification process for any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States shall be governed by section 274A(b) unless the person or entity—

''(i) is required by Federal or State law to use the System; or

''(ii) has opted to use the System voluntarily in accordance with subparagraph (B).

''(10) NO FEE FOR USE OR INCLUSION.—The Secretary may not charge a fee to any individual, person, or entity to use the System or to be included in the System.

''(11) SYSTEM SAFEGUARDS.—

''(A) REQUIREMENT TO DEVELOP.—The Secretary, in consultation with the Commissioner, the Secretary of State, and other appropriate Federal officials, shall—

''(i) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System; and

''(ii) develop and deploy appropriate privacy and security training for Federal employees accessing the records under the System.

''(B) PRIVACY AUDITS.—

''(i) IN GENERAL.—The Secretary, acting through the Chief Privacy Officer of the Department of Homeland Security, shall conduct regular privacy audits of the policies and procedures established pursuant to subparagraph (A), including—

''(I) any collection, use, dissemination, and maintenance of personally identifiable information; and

''(II) any associated information technology systems.

''(ii) REVIEWS.—The Chief Privacy Officer shall—

''(I) review the results of the audits conducted pursuant to clause (i); and

''(II) recommend to the Secretary any changes that may be necessary to improve the privacy protections of the System.

''(C) PRIVACY AND ACCURACY CERTIFICATION.—The Inspector General of the Department of Homeland Security shall certify to the Secretary, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives that—

''(i) the System appropriately protects the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System;

''(ii) during 2 consecutive years beginning after the date of the enactment of the Affordable and Secure Food Act of 2022, the System's error rate is not higher than the error rate of the System during the preceding year; and

''(iii) specific steps are being taken to continue to reduce such error rate.

''(D) ACCURACY AUDITS.—Beginning on November 30 of the fiscal year beginning after the fiscal year during which the certification was submitted pursuant to subparagraph (C), and annually thereafter, the Inspector General of the Department of Homeland Security shall submit a report to the Secretary, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives that—

''(i) describes in detail—

''(I) the error rate of the System during the previous fiscal year; and

''(II) the methodology employed to prepare the report; and

''(ii) includes recommendations for how the System's error rate may be reduced.

''(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—Notwithstanding section 274A(b), the requirements referred to in paragraphs (1)(B) and (3) of section 274A(a) are, in the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee, an individual for employment in the United States, the following:

''(1) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the period beginning on the date on which an offer of employment is accepted and ending on the date of hire, the individual shall attest, under penalty of perjury on a form designated by the Secretary, that the individual is authorized to be employed in the United States by providing on such form—

''(A) the individual's name and date of birth;

''(B) the individual's Social Security account number (unless the individual has applied for and not yet been issued such a number);

''(C) whether the individual is—

''(i) a citizen or national of the United States;

''(ii) an alien lawfully admitted for permanent residence; or

''(iii) an alien who is otherwise authorized by the Secretary to be employed in the United States; and

''(D) if the individual does not attest to United States citizenship or nationality, such identification or other authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(2) EMPLOYER ATTESTATION AFTER EXAMINATION OF DOCUMENTS.—Not later than 3 business days after the date of hire, the individual or entity shall attest, under penalty of perjury on the form designated under paragraph (1), the verification that the individual is not an unauthorized alien by—

''(A) obtaining from the individual the information described in paragraph (1) and recording such information on the form;

''(B) examining—

''(i) a document described in paragraph (3)(A); or

''(ii) a document described in paragraph (3)(B) and a document described in paragraph (3)(C); and

''(C) attesting that the information recorded on the form is consistent with the documents examined.

''(3) ACCEPTABLE DOCUMENTS.—

''(A) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport or passport card;

''(ii) permanent resident card that contains a photograph;

''(iii) foreign passport containing temporary evidence of lawful permanent residence in the form of an official I–551 (or successor) stamp from the Department of Homeland Security or a printed notation on a machine-readable immigrant visa;

''(iv) unexpired employment authorization document that contains a photograph;

''(v) in the case of a nonimmigrant alien authorized to engage in employment for a specific employer incident to status, a foreign passport with Form I–94, Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as such status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

''(vi) passport from the Federated States of Micronesia or the Republic of the Marshall Islands with Form I–94, Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands; or

''(vii) another document designated by the Secretary, by notice published in the Federal Register, if the document—

''(I) contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual;

''(II) is evidence of authorization for employment in the United States; and

''(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(B) DOCUMENTS ESTABLISHING IDENTITY.—A document described in this subparagraph is—

''(i) an individual's driver's license or identification card if the license or card—

''(I) was issued by a State or an outlying possession of the United States;

''(II) contains a photograph and personal identifying information relating to the individual; and

''(III) meets the requirements under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) and complies with the travel rules under the Western Hemisphere Travel Initiative;

''(ii) an individual's unexpired United States military identification card;

''(iii) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(iv) a document establishing identity that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, if such documentation contains—

''(I) a photograph of the individual and other personal identifying information relating to the individual; and

''(II) security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is—

''(i) an individual's Social Security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

''(ii) a document establishing employment authorization that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph if such documentation contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(D) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines that any document or class of documents described in subparagraph (A), (B), or (C) does not reliably establish identity or employment authorization or is being used fraudulently to an unacceptable degree, the Secretary, by notice published in the Federal Register, may prohibit or place conditions on the use of such document or class of documents for purposes of this section.

''(E) AUTHORITY TO WAIVE PHOTOGRAPH REQUIREMENT.—The Secretary, in the sole discretion of the Secretary, may confirm the identity of an individual who submits a document described in subparagraph (B)(iv) that does not contain a photograph of the individual under exceptional circumstances, including the individual's religious beliefs.

''(4) USE OF THE SYSTEM TO SCREEN IDENTITY AND EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, during the period described in subparagraph (B), shall submit an inquiry through the System to seek confirmation of the identity and employment authorization of the individual.

''(B) CONFIRMATION PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), and subject to subsection (d), the confirmation period shall begin on the date of hire and end on the date that is 3 business

days after the date of hire, or such other reasonable period as the Secretary may prescribe.

''(ii) SPECIAL RULE.—The confirmation period of an alien who is authorized to be employed in the United States and provides evidence from the Social Security Administration that the alien has applied for a Social Security account number shall end 3 business days after the alien receives such Social Security account number.

''(C) CONFIRMATION.—A person or entity receiving confirmation of an individual's identity and employment authorization shall record such confirmation on the form designated by the Secretary for purposes of paragraph (1).

''(D) TENTATIVE NONCONFIRMATION.—

''(i) IN GENERAL.—In cases of tentative nonconfirmation, the Secretary, in consultation with the Commissioner, shall provide a process for—

''(I) an individual to contest the tentative nonconfirmation not later than 10 business days after the date of the receipt of the notice described in clause (ii); and

''(II) the Secretary to issue a confirmation or final nonconfirmation of an individual's identity and employment authorization not later than 30 days after the Secretary receives notice from the individual contesting a tentative nonconfirmation.

''(ii) NOTICE.—Not later than 3 business days after receiving a tentative nonconfirmation of an individual's identity or employment authorization in the System, a person or entity shall—

''(I) provide such individual with written notification—

''(aa) in a language understood by the individual;

''(bb) on a form designated by the Secretary; and

''(cc) that includes a description of the individual's right to contest the tentative nonconfirmation; and

''(II) attest, under penalty of perjury, that the person or entity provided (or attempted to provide) such notice to the individual, who shall acknowledge receipt of such notice in a manner specified by the Secretary.

''(iii) NO CONTEST.—

''(I) IN GENERAL.—A tentative nonconfirmation shall become final if, upon receiving the notice described in clause (ii), the individual—

''(aa) refuses to acknowledge receipt of such notice;

''(bb) acknowledges in writing, in a manner specified by the Secretary, that the individual will not contest the tentative nonconfirmation; or

''(cc) fails to contest the tentative nonconfirmation within the 10-business-day period beginning on the date the individual received such notice.

''(II) RECORD OF NO CONTEST.—The person or entity shall—

''(aa) indicate in the System that the individual refused to acknowledge receipt of, or did not contest, the tentative nonconfirmation; and

''(bb) specify the reason that the tentative nonconfirmation became final under subclause (I).

''(III) EFFECT OF FAILURE TO CONTEST.—An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of any fact with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—

''(I) IN GENERAL.—An individual may contest a tentative nonconfirmation by using the tentative nonconfirmation review process under clause (i), not later than 10 business days after receiving the notice described in clause (ii). Except as provided in clause (iii), the nonconfirmation shall remain tentative until a confirmation or final nonconfirmation is provided by the System.

''(II) PROHIBITION ON TERMINATION.—A person or entity may not terminate employment or take any adverse employment action against an individual for failure to obtain confirmation of the individual's identity and employment authorization until the person or entity receives a notice of final nonconfirmation from the System. Nothing in this subclause may be construed to prohibit an employer from terminating the employment of the individual for any other lawful reason.

''(III) CONFIRMATION OR FINAL NONCONFIRMATION.—The Secretary, in consultation with the Commissioner, shall issue notice of a confirmation or final nonconfirmation of the individual's identity and employment authorization not later than 30 days after the date on which the Secretary receives notice from the individual contesting the tentative nonconfirmation.

''(IV) CONTINUANCE.—If the relevant data needed to confirm the identity of an individual is not maintained by the Department of Homeland Security, the Social Security Administration, or the Department of State, or if the employee is unable to contact the Department of Homeland Security or the Social Security Administration, the Secretary, in the sole discretion of the Secretary, may place the case in continuance.

''(E) FINAL NONCONFIRMATION.—

''(i) NOTICE.—If a person or entity receives a final nonconfirmation of an individual's identity or employment authorization, the person or entity, not later than 5 business days after receiving such final nonconfirmation, shall—

''(I) notify such individual of the final nonconfirmation in writing, on a form designated by the Secretary, which shall include information regarding the individual's right to appeal the final nonconfirmation in accordance with subparagraph (F); and

''(II) attest, under penalty of perjury, that the person or entity provided (or attempted to provide) the notice to the individual, who shall acknowledge receipt of such notice in a manner designated by the Secretary.

''(ii) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If a person or entity receives a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual. If the person or entity does not terminate such employment pending appeal of the final nonconfirmation, the person or entity shall notify the Secretary of such fact through the System. Failure to notify the Secretary in accordance with this clause shall be deemed a violation of section 274A(a)(1)(A).

''(iii) PRESUMPTION OF VIOLATION FOR CONTINUED EMPLOYMENT.—If a person or entity continues to employ an individual after receipt of a final nonconfirmation, and an appeal of the nonconfirmation is not pending, there shall be a rebuttable presumption that the person or entity has violated paragraphs (1)(A) and (2) of section 274A(a).

''(F) APPEAL OF FINAL NONCONFIRMATION.—

''(i) ADMINISTRATIVE APPEAL.—The Secretary, in consultation with the Commissioner and the Assistant Attorney General for Civil Rights, shall develop a process by which an individual may seek administrative review of a final nonconfirmation. Such process shall—

''(I) permit the individual to submit additional evidence establishing identity or employment authorization;

''(II) ensure prompt resolution of an appeal, including a response to the appeal in all circumstances within 60 days; and

''(III) permit the Secretary to impose a civil money penalty equal to not more than $500 on any individual who files a frivolous appeal or files an appeal for purposes of delay.

''(ii) COMPENSATION FOR LOST WAGES RESULTING FROM GOVERNMENT ERROR OR OMISSION.—

''(I) IN GENERAL.—If, upon consideration of an appeal of a final nonconfirmation, the Secretary determines that the final nonconfirmation was issued in error, the Secretary shall further determine whether the final nonconfirmation was the result of government error or omission. If the Secretary determines that the final nonconfirmation was solely the result of Government error or omission and the individual was terminated from employment, the Secretary shall compensate the individual for lost wages.

''(II) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that were in effect prior to the individual's termination. The individual shall be compensated for lost wages beginning on the first scheduled work day after employment was terminated and ending 90 days after completion of the administrative review process described in this subparagraph or the day the individual is reinstated or obtains other employment, whichever occurs first.

''(III) LIMITATION ON COMPENSATION.—Compensation for lost wages may not be awarded for any period during which the individual was not authorized for employment in the United States.

''(IV) SOURCE OF FUNDS.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Electronic Verification Compensation Account'. Monetary penalties collected pursuant to subsections (f) and (g) shall be deposited in the Electronic Verification Compensation Account and shall remain available for purposes of providing compensation for lost wages under this clause.

''(iii) JUDICIAL REVIEW.—Not later than 30 days after the dismissal of an appeal under this subparagraph, an individual may seek judicial review of such dismissal in the United States District Court in the jurisdiction in which the employer resides or conducts business.

''(5) RETENTION OF VERIFICATION RECORDS.—

''(A) IN GENERAL.—After completing the form designated by the Secretary under paragraph (1) with respect to an individual, a person or entity shall retain such form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make such form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification is completed and ending on the later of—

''(i) the date that is 3 years after the date hire; or

''(ii) the date that is 1 year after the date on which such individual's employment is terminated.

''(B) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, a person or entity may, for the purpose of complying with the requirements under this section—

''(i) copy a document presented by an individual pursuant to this subsection; and

''(ii) retain such copy.

''(c) REVERIFICATION OF PREVIOUSLY HIRED INDIVIDUALS.—

''(1) MANDATORY REVERIFICATION.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States shall submit an inquiry through the System to verify the identity and employment authorization of—

''(A) an individual with a limited period of employment authorization, when such employment authorization expires;

''(B) an individual, not later than 10 days after receiving a notification from the Secretary requiring the verification of such individual pursuant to subsection (a)(4)(C); and

''(C) an individual employed by an employer required to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under such laws, including the Federal Acquisition Regulation).

''(2) REVERIFICATION PROCEDURES.—The verification procedures under subsection (b) shall apply to reverifications under this subsection, except that employers shall—

''(A) use a form designated by the Secretary for purposes of this paragraph; and

''(B) retain the form in paper, microfiche, microfilm, electronic, or other format approved by the Secretary, and make the form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the later of—

''(i) the date that is 3 years after the date of reverification; or

''(ii) the date that is 1 year after the date on which the individual's employment is terminated.

''(d) GOOD FAITH COMPLIANCE.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity that uses the System is considered to have complied with the requirements under this section notwithstanding a technical failure of the System, or other technical or procedural failure to meet such requirement if there was a good faith attempt to comply with such requirement.

''(2) EXCEPTION FOR FAILURE TO CORRECT AFTER NOTICE.—Paragraph (1) shall not apply if—

''(A) the failure of the person or entity to meet a requirement under this section is not de minimis;

''(B) the Secretary has provided notice to the person or entity of such failure, including an explanation as to why such failure is not de minimis;

''(C) the person or entity has been provided a period of not less than 30 days (beginning after the date of the notice) to correct such failure; and

''(D) the person or entity has not corrected such failure voluntarily within such period.

''(3) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Paragraph (1) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of section 274A(a).

''(4) DEFENSE.—A person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States—

''(A) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law, for any employment-related action taken with respect to an employee in good-faith reliance on information provided by the System; and

''(B) shall be deemed to have established compliance with its obligations under this section, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(e) LIMITATIONS.—

''(1) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(2) USE OF RECORDS.—Notwithstanding any other provision of law, nothing in this section may be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this section for any purpose other than the verification of identity and employment authorization of an individual or to ensure the secure, appropriate, and non-discriminatory use of the System.

''(f) PENALTIES.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of subsections (e) through (g) of section 274A shall apply with respect to compliance with the provisions under this section and penalties for noncompliance for persons or entities that use the System.

''(2) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Notwithstanding the civil money penalties set forth in section 274A(e)(4), with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) by a person or entity that is subject to the provisions under this section that has hired, recruited, or referred for a fee, an individual for employment in the United States, a cease and desist order—

''(A) shall require the person or entity to pay a civil penalty in an amount, subject to subsection (d), that is equal to—

''(i) not less than $2,500 and not more than $5,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred;

''(ii) not less than $5,000 and not more than $10,000 for each such alien in the case of a person or entity previously subject to 1 order under this paragraph; or

''(iii) not less than $10,000 and not more than $25,000 for each such alien in the case of a person or entity previously subject to more than 1 order under this paragraph; and

''(B) may require the person or entity to take other appropriate remedial action.

''(3) ORDER FOR CIVIL MONEY PENALTY FOR VERIFICATION VIOLATIONS.—Notwithstanding paragraphs (4) and (5) of section 274A(e) and any other Federal law relating to civil monetary penalties, any person or entity that is required to comply with the provisions of this section that violates section 274A(a)(1)(B) shall be required to pay a civil penalty in an amount, subject to paragraphs (5), (6), and (7), that is equal to not less than $1,000 and not more than $25,000 for each individual with respect to whom such violation occurred.

''(4) SYSTEM USE VIOLATION.—Failure by a person or entity to utilize the System as required by law or providing information to the System that the person or entity knows or reasonably believes to be false, shall be treated as a violation of section 274A(a)(1)(A).

''(5) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—

''(A) IN GENERAL.—A person or entity that uses the System is presumed to have acted with knowledge for purposes of paragraphs (1)(A) and (2) of section 274A(a) if the person or entity fails to make an inquiry to verify the identity and employment authorization of the individual through the System.

''(B) GOOD FAITH EXEMPTION.—In the case of imposition of a civil penalty under paragraph (2)(A) with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) for hiring or continuation of employment or recruitment or referral by a person or entity, and in the case of imposition of a civil penalty under paragraph (3) for a violation of section 274A(a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the person or entity establishes that the person or entity acted in good faith.

''(6) PENALTY ADJUSTMENT FACTORS.—For purposes of paragraphs (2)(A) and (3), when assessing the level of civil money penalties for a particular case, in addition to the good faith of the person or entity being charged, due consideration shall be given to factors such as the size of the business, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations, which factors may be aggravating, mitigating, or neutral depending on the facts of each case.

''(7) CRIMINAL PENALTY.—Notwithstanding section 274A(f)(1) and the provisions of any other Federal law relating to fine levels, any person or entity required to comply with the provisions under this section that engages in a pattern or practice of violations of paragraph (1) or (2) of section 274A(a)—

''(A) shall be fined not more than $5,000 for each unauthorized alien with respect to whom such a violation occurs;

''(B) shall imprisoned for not more than 18 months; or

''(C) shall subject to the fine under subparagraph (A) and imprisonment under subparagraph (B).

''(8) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—Civil money penalties collected pursuant to this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, in accordance with subsection (b)(4)(F)(ii)(IV).

''(9) DEBARMENT.—

''(A) IN GENERAL.—If the Secretary determines that a person or entity is a repeat violator of paragraph (1)(A) or (2) of section 274A(a) or has been convicted of a crime under section 274A, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) NO CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General determines that a person or entity should be considered for debarment under this paragraph, and such person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or the Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, and if so, for what duration and under what scope.

''(C) CONTRACT, GRANT, AGREEMENT.—If the Secretary or the Attorney General determines that a person or entity should be considered for debarment under this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General—

''(i) shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having such person or entity considered for debarment; and

''(ii) after soliciting and considering the views of all such agencies and departments, may refer the matter to the appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded

from Federal Procurement and Nonprocurement Programs, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this subsection shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(10) PREEMPTION.—This section preempts any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens, except that a State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System as required under this section.

''(g) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES AND THE SYSTEM.—

''(1) IN GENERAL.—In addition to the prohibitions on discrimination set forth in section 274B, it is an unfair immigration-related employment practice for a person or entity, in the course of utilizing the System—

''(A) to use the System for screening an applicant before the date of hire;

''(B) to terminate the employment of an individual or take any adverse employment action with respect to that individual due to a tentative nonconfirmation issued by the System;

''(C) to use the System to screen any individual for any purpose other than confirmation of identity and employment authorization in accordance with this section;

''(D) to use the System to verify the identity and employment authorization of a current employee, including an employee continuing in employment, other than for purposes of reverification authorized under subsection (c);

''(E) to use the System to discriminate based on national origin or citizenship status;

''(F) to willfully fail to provide an individual with any notice required under this chapter;

''(G) to require an individual to make an inquiry under the self-verification procedures described in subsection (a)(4)(B) or to provide the results of such an inquiry as a condition of employment, or hiring, recruiting, or referring; or

''(H) to terminate the employment of an individual or take any adverse employment action with respect to that individual based upon the need to verify the identity and employment authorization of the individual in accordance with subsection (b).

''(2) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in paragraph (1)(A) may be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.

''(3) CIVIL MONEY PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES INVOLVING SYSTEM MISUSE.—Notwithstanding section 274B(g)(2)(B)(iv), the penalties that may be imposed by an administrative law judge with respect to a finding that a person or entity has engaged in an unfair immigration-related employment practice described in paragraph (1) are—

''(A) not less than $1,000 and not more than $4,000 for each aggrieved individual;

''(B) in the case of a person or entity previously subject to a single order under this paragraph, not less than $4,000 and not more than $10,000 for each aggrieved individual; and

''(C) in the case of a person or entity previously subject to more than 1 order under this paragraph, not less than $6,000 and not more than $20,000 for each aggrieved individual.

''(4) ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.—

''(A) USE OF CIVIL MONETARY PENALTIES.—Civil money penalties collected under this subsection shall be deposited into the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on a Government error or omission described in subsection (b)(4)(F)(ii)(IV).

''(B) ALTERNATIVE USE OF FUNDS.—Any amounts deposited into the Electronic Verification Compensation Account pursuant to subparagraph (A) that are not used within 5 years to compensate individuals under such subparagraph shall be made available to the Secretary and the Attorney General to provide education to employers and employees regarding the requirements, obligations, and rights under the System.

''(h) CLARIFICATION.—All rights and remedies provided under any Federal, State, or local law relating to workplace rights, including back pay, are available to an employee despite—

''(1) the employee's status as an unauthorized alien during or after the period of employment; or

''(2) the employer's or employee's failure to comply with the requirements under this section.

''(i) DEFINED TERM.—In this section, the term 'date of hire' means the date on which employment for pay or other remuneration commences.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Requirements for the electronic verification of employment eligibility.''.

SEC. 302. MANDATORY ELECTRONIC VERIFICATION FOR THE AGRICULTURAL INDUSTRY.

(a) DEFINED TERM.—In this section, the term ''agricultural employment'' means agricultural labor or services (as defined in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) IN GENERAL.—The requirements for the electronic verification of identity and employment authorization described in section 274E of the Immigration and Nationality Act, as add by section 301, shall apply to a person or entity hiring, recruiting, or referring for a fee an individual for agricultural employment in the United States in accordance with the effective dates set forth in subsection (c).

(c) EFFECTIVE DATES.—

(1) HIRING.—The requirements described in subsection (b) shall apply to a person or entity hiring an individual for agricultural employment in the United States—

(A) with respect to employers that, on the date of the enactment of this Act, have 500 or more employees in the United States, beginning on the later of—

(i) the date that is 6 months after the date on which the Secretary of Homeland Security makes the certification required under section 274E(a)(11) of the Immigration and Nationality Act, as added by section 301(a); or

(ii) 6 years after the date of the enactment of this Act;

(B) with respect to employers that, on the date of the enactment of this Act, have 100 or more employees in the United States, but fewer than 500 such employees, beginning on the date that is 3 months after the date on which such requirements are applicable to employers described in subparagraph (A);

(C) with respect to employers that, on the date of the enactment of this Act, have 20 or more employees in the United States, but fewer than 100 such employees, beginning on the date that is 6 months after the date on which such requirements are applicable to employers described in subparagraph (A); and

(D) with respect to employers that, on the date of the enactment of this Act, have fewer than 20 employees in the United States, beginning on the date that is 9 months after the date on which such requirements are applicable to employers described in subparagraph (A).

(2) RECRUITING AND REFERRING FOR A FEE.—The requirements under subsection (b) shall apply to any person or entity recruiting or referring for a fee an individual for agricultural employment in the United States on the date that is 1 year after the completion of the application period described in section 101(c).

(3) TRANSITION RULE.—Except as required under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before the effective date described in section 303(a)(4)), Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement), or any State law requiring persons or entities to use the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before such effective date, sections 274A and 274B of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324b) shall apply to a person or entity hiring, recruiting, or referring an individual for employment in the United States until the applicable effective date under this subsection.

(4) E–VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Nothing in this subsection may be construed to prohibit persons or entities, including persons or entities that have voluntarily elected to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect on the day before the effective date described in section 303(a)(4), from seeking early compliance on a voluntary basis.

(5) DELAYED IMPLEMENTATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may delay the effective dates described in paragraphs (1) and (2) for a period not to exceed 180 days if the Secretary determines, based on the most recent report described in section 133 and other relevant data, that a significant number of applications under section 101 remain pending.

(d) RURAL ACCESS TO ASSISTANCE FOR TENTATIVE NONCONFIRMATION REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Agriculture, and in consultation with the Commissioner of Social Security, shall create a process for individuals to seek assistance in contesting a tentative nonconfirmation (as described in section 274E(b)(4)(D) of the Immigration and Nationality Act, as added by section 301(a), at local offices or service centers of the Department of Agriculture.

(2) STAFFING AND RESOURCES.—The Secretary of Homeland Security and the Secretary of Agriculture shall ensure that local offices and service centers of the Department of Agriculture are staffed appropriately and have the resources necessary to provide information and support to individuals seeking the assistance described in paragraph (1), including by facilitating communication between such individuals and the Department of Homeland Security or the Social Security Administration.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to delegate authority or transfer responsibility for reviewing and resolving tentative nonconfirmations from the Secretary of Homeland Security and the Commissioner of Social Security to the Secretary of Agriculture.

(e) DOCUMENT ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—In accordance with section 274E(b)(3)(A)(vii) of the Immigration and Nationality Act, as added by section 301(a), and not later than 1 year after the completion of the application period described in section 101(c), the Secretary of Homeland Security shall recognize documentary evidence of certified agricultural worker status described in section 102(a)(2) as valid proof of employment authorization and identity for purposes of section 274E(b)(3)(A) of such Act.

SEC. 303. COORDINATION WITH E–VERIFY PROGRAM.

(a) REPEAL.—

(1) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(2) CLERICAL AMENDMENT.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

(3) REFERENCES.—Any reference in any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), or to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), is deemed to refer to the employment eligibility confirmation system established under section 274E of the Immigration and Nationality Act, as added by section 301(a).

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the date that is 30 days after the date on which final rules are published pursuant to section 309(a).

(b) FORMER E–VERIFY MANDATORY USERS, INCLUDING FEDERAL CONTRACTORS.—Beginning on the effective date set forth in subsection (a)(4), the Secretary of Homeland Security shall require employers required to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to comply with the requirements under section 274E of the Immigration and Nationality Act, as added by section 301(a) (and any additional requirements of such Federal acquisition laws and regulation) instead of any requirement to participate in the E–Verify Program.

(c) FORMER E–VERIFY VOLUNTARY USERS.—Beginning on the effective date set forth in subsection (a)(4), the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements under section 274E of the Immigration and Nationality Act, as added by section 301(a), by employers voluntarily electing to participate in the E–Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such effective date.

SEC. 304. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document intended to establish employment authorization,'';

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document intended to establish employment authorization,''; and

(3) in the undesignated matter following paragraph (3) by striking ''of section 274A(b)'' and inserting ''under section 274A(b) or 274E(b)''.

SEC. 305. TECHNICAL AND CONFORMING AMENDMENTS.

(a) UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(B)—

(A) by striking ''subsection (b) or (ii)'' and inserting the following: ″subsection (b); or ''(ii)''; and

(B) in clause (ii), by striking ''subsection (b).'' and inserting ''section 274E.''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''The requirements referred'' and inserting ''Except as provided in section 274E, the requirements referred''.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)(B), by striking ''in the case of a protected individual (as defined in paragraph (3)),'';

(2) by striking paragraph (3); and

(3) by inserting after paragraph (2) the following:

''(3) MISUSE OF VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity to misuse the verification system as described in section 274E(g).''.

SEC. 306. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for all fiscal years beginning on or after October 1, 2023, the Commissioner of Social Security and the Secretary of Homeland Security shall ensure that an agreement is in place that—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner with respect to employment eligibility verification, including responsibilities described in this title and in the amendments made by this title, such as—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of such responsibilities, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation or administratively appeal a final nonconfirmation provided with respect to employment eligibility verification;

(2) provides the funds required under paragraph (1) annually in advance of the applicable quarter based on an estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under such agreement, which shall be reviewed by the Inspector General of the Social Security Administration and the Inspector General of the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) IN GENERAL.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2023, has not been reached as of October 1 of such fiscal year, the latest agreement described in such subsection shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system.

(2) NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Not later than October 1 of any fiscal year during which an interim agreement applies under paragraph (1), the Commissioner and the Secretary shall notify the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives of the failure to reach the agreement required under subsection (a) for such fiscal year.

(B) QUARTERLY NOTIFICATIONS.—Until the agreement required under subsection (a) has been reached for a fiscal year, the Commissioner and the Secretary, not later than the end of each 90-day period after October 1 of such fiscal year, shall notify the congressional committees referred to in subparagraph (A) of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 307. REPORT ON THE IMPLEMENTATION OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

Not later than 2 years after the date on which final rules are published pursuant to section 309(a), and annually thereafter, the Secretary of Homeland Security and the Attorney General shall jointly submit a report to Congress that includes—

(1) an assessment of the accuracy rates of the responses of the electronic employment verification system established under section 274E of the Immigration and Nationality Act, as added by section 301(a) (referred to in this section and section 308 as the ''System''), including tentative and final nonconfirmation notices issued to employment-authorized individuals and confirmation notices issued to individuals who are not employment-authorized;

(2) an assessment of any challenges faced by persons or entities (including small employers) in utilizing the System;

(3) an assessment of any challenges faced by employment-authorized individuals who are issued tentative or final nonconfirmation notices;

(4) an assessment of the incidence of unfair immigration-related employment practices described in section 274E(g) of the Immigration and Nationality Act, related to the use of the System;

(5) an assessment of the photo matching and other identity authentication tools described in section 274E(a)(4) of the Immigration and Nationality Act, including—

(A) the accuracy rates of such tools;

(B) the effectiveness of such tools at preventing identity fraud and other misuse of identifying information;

(C) any challenges faced by persons, entities, or individuals utilizing such tools;

(D) operation and maintenance costs associated with such tools; and

(E) the privacy and civil liberties safeguards associated with such tools;

(6) a summary of the activities and findings of the U.S. Citizenship and Immigrations Services E–Verify Monitoring and Compliance Branch (referred to in this paragraph as the ''Branch''), or any successor office, including—

(A) the number, types and outcomes of audits, internal reviews, and other compliance activities initiated by the Branch in the previous year;

(B) the capacity of the Branch to detect and prevent violations of section 274E(g) of the Immigration and Nationality Act; and

(C) an assessment of the degree to which persons and entities misuse the System, including—

(i) using the System before an individual's date of hire;

(ii) failing to provide required notifications to individuals;

(iii) using the System to interfere with or otherwise impede individuals' assertions of their rights under other laws; and

(iv) using the System for unauthorized purposes; and

(7) an assessment of the impact of implementation of the System in the agricultural industry and the use of the verification system in agricultural industry hiring and business practices.

SEC. 308. MODERNIZING AND STREAMLINING THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall submit a plan to Congress for modernizing and streamlining the employment eligibility verification process. Such plan shall include—

(1) procedures to allow persons and entities to verify the identity and employment authorization of newly hired individuals where the in-person, physical examination of identity and employment authorization documents is not practicable;

(2) a proposal to create a simplified employment verification process that allows employers that utilize the System—

(A) to verify the identity and employment authorization of individuals without having to complete and retain Form I–9, Employment Eligibility Verification, in paper, electronic, or any subsequent replacement form; and

(B) to maintain evidence of an inspection of the employee's eligibility to work; and

(3) any other proposal that the Secretary determines would simplify the employment eligibility verification process without compromising the integrity or security of the System.

SEC. 309. RULEMAKING; PAPERWORK REDUCTION ACT.

(a) RULEMAKING.—

(1) PROPOSED RULES.—Not later than 270 days before the end of the application period described in section 101(c), the Secretary of Homeland Security shall promulgate and publish in the Federal Register proposed rules implementing this title and the amendments made by this title.

(2) FINAL RULES.—The Secretary shall finalize the rules promulgated pursuant to paragraph (1) not later than 180 days after the date on which they are published in the Federal Register.

(b) PAPERWORK REDUCTION ACT.—

(1) IN GENERAL.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall apply to any action to implement this title or the amendments made by this title.

(2) ELECTRONIC FORMS.—All forms designated or established by the Secretary that are necessary to implement this title and the amendments made by this title—

(A) shall be made available in paper or electronic formats; and

(B) shall be designed in such a manner to facilitate electronic completion, storage, and transmittal.

ORDERS FOR WEDNESDAY, DECEMBER 21, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, December 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to consider Calendar No. 1271, Lynne Tracy, to be Ambassador to the Russian Federation; further, that at 11:30 a.m., the Senate vote on confirmation of the Tracy nomination.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 12:11 a.m., adjourned until Wednesday, December 21, 2022, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 2022:

CORPORATION FOR PUBLIC BROADCASTING

KATHY K. IM, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2024.

DEPARTMENT OF DEFENSE

R. RUSSELL RUMBAUGH, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

OFFICE OF PERSONNEL MANAGEMENT

ROBERT HARLEY SHRIVER III, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF ENERGY

GENE RODRIGUES, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY).

SECURITIES INVESTOR PROTECTION CORPORATION

ALAN J. PATRICOF, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2022.

ALAN J. PATRICOF, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2025.

DEPARTMENT OF STATE

CYNTHIA DYER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

LUCY TAMLYN, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

CORPORATION FOR PUBLIC BROADCASTING

RUBYDEE CALVERT, OF WYOMING, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2028.

SURFACE TRANSPORTATION BOARD

ROBERT E. PRIMUS, OF NEW JERSEY, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2027.

CORPORATION FOR PUBLIC BROADCASTING

DIANE SUSAN KAPLAN, OF ALASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2026.