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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, August 5, 2022, at 3 p.m.

Senate

WEDNESDAY, AUGUST 3, 2022

The Senate met at 12 noon and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our shield, look with favor upon our Senators today. Guide them around the obstacles that hinder their progress, uniting them for the common good of this great land. Lord, free them from anxiety and fear as they put their trust in You. Enable them to go from strength to strength, fulfilling Your purpose for their lives in this generation.

Guide them to use their abilities to accomplish Your holy will. Striving to please You, empower them to stand for right and leave the consequences to You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. LUJÁN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 5376

Mr. SCHUMER. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. SCHUMER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ABORTION

Mr. SCHUMER. Mr. President, two sets of numbers show the winds blowing in the Democratic direction: first, the numbers revealed by the vote last night in the State of Kansas and, second, new polling data that shows how overwhelmingly popular the Inflation Reduction Act is in the minds of the American people. These numbers show winds blowing in Democrats' direction on the issue of choice and on the issue of the Inflation Reduction Act.

Today, I want to talk about both. So let me begin with last night's election in Kansas. Last night, in the American heartland, the people of Kansas sent an unmistakable message to MAGA Republican extremists: Back off women's fundamental rights. In the first vote on abortion rights since the MAGA Supreme Court's reprehensible decision to take away constitutional rights protected by Roe v. Wade—and which was cheered by many Republicans here in the Senate—voters in Kansas decided by a double-digit margin to preserve the freedom of choice in their State Constitution.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

What happened in red Kansas last night is a reflection of what is happening across the country and what will continue to occur through the November elections. Voters are revolting against the extreme MAGA Republican policies that ban abortions with no exceptions for rape or incest and send women and doctors to jail.

Last night's election was also a dark reminder that MAGA Republicans are running the show within the GOP. Their views are spreading through the party like a cancer—views that are repugnant not only to most Americans but, as we saw last night, even to many Republican voters.

And Kansas was just the start. If it is going to happen in Kansas, it is going to happen in a whole lot of States. The strong pro choice turnout we saw last night in Kansas will continue well into the fall, and Republicans who side with these extremist MAGA policies that attack women's rights do so at their own political risk.

NATO

Mr. SCHUMER. Mr. President, now on NATO, today the Senate will be voting on the resolution of ratification for the Finnish and Swedish applications to join NATO. This is a very important vote. The NATO vote is a very important vote for American security around the world.

Finland's and Sweden's membership will strengthen NATO even further and is all the more urgent given Russian aggression, given Putin's immoral and unjustified war in Ukraine. Putin is strengthening the NATO alliance, and nothing shows it better than the vote we will have this afternoon. With the vote, the Senate will come together in a bipartisan manner and bolster the Western alliance in the face of growing authoritarianism.

When Leader MCCONNELL and I met with the Finnish President and the Swedish Prime Minister back in May, we made a commitment to get this done as quickly as possible before the August recess, and today we are keeping that commitment by working together.

Despite the differences between both sides, I have always said that when the opportunity arises, Democrats would be willing to work with Republicans in a bipartisan way to get things done. In the past few weeks, we have seen an amazing string of bipartisan achievements—a bipartisanship that hasn't been seen—with the passage of so many important bipartisan bills in such a short time.

Together, we secured a historic investment in American science and industry. We just passed the largest expansion of veterans' benefits in decades. We passed significant gun legislation. And, today, we will work together to bolster the NATO alliance.

So, again, under Democratic leadership, we want to work in a bipartisan way whenever we can, but when we can't, we will move forward on issues like climate and prescription drugs that we feel are very important, which I will talk about in a minute.

Finally, as I mentioned yesterday, I invited the Ambassadors and other diplomats from Finland and Sweden to join us in the Gallery during our debate and votes today. So let's get this done by this afternoon.

INFLATION REDUCTION ACT

Mr. SCHUMER. Mr. President, now, on the Inflation Reduction Act, this is the second place where the numbers that we read this morning show that the Democrats are on the move and that Republicans are in retreat.

Today's news provides another bevy of reminders of why the Inflation Reduction Act is not only bold and commonsense but is extremely popular with the American people.

This morning, five former Treasury Secretaries—including former Secretary Hank Paulson, who served under President George W. Bush—released a statement praising the Inflation Reduction Act and urging Congress to move quickly to secure its passage. The bipartisan group wrote that the Inflation Reduction Act ''will help increase American competitiveness, address our climate crisis, lower costs for families, and fight inflation—and should be passed immediately by Congress.''

The bipartisan group of Treasury Secretaries also affirmed what Democrats have been saying for days: The Inflation Reduction Act will not—no matter how much our Republican colleagues argue to the contrary—increase taxes for any family making less than $400,000 a year.

Again, our proposals call for closing loopholes that have long enabled the biggest companies in America to avoid paying their fair share. And even former Republican Treasury Secretary Hank Paulson is now calling on Congress to pass the Democratic agenda. He is in very good company. This morning, a poll by Navigator also showed the Inflation Reduction Act as overwhelmingly popular—overwhelmingly popular—in the minds of the American people.

According to this poll, 65 percent of Americans support the proposals in the bill, compared to only 24 percent who oppose. More than double the people support the act than oppose it. It includes 60 percent of Independent voters and even 40 percent of Republican voters. So America is on our side. They want us to pass this bill.

Now, contrast the Democrats' agenda to what we have been hearing from the other side. While Democrats want to make healthcare more affordable, just yesterday the junior Senator from Wisconsin argued that instead of strengthening Medicare and Social Security, we should put them on the chopping block.

Hear that, citizens of Wisconsin, citizens of America? The junior Senator from Wisconsin wants to put Medicare and Social Security on the chopping block. He has argued that the benefits, which millions of Americans rely on every day, shouldn't be guaranteed but should be subject to partisan infighting here in Washington.

He would like to revoke the guarantee of Medicare and Social Security and make them discretionary. Well, you know what happens when we make things discretionary around here? All too often they get cut or even eliminated. We don't want to do that. But the Senator from Wisconsin said we should. So senior citizens of America, listen loud and clear: Senator JOHNSON called for making these programs discretionary.

For decades, they have not been. They have been programs that when you become 65, you get it. It is not up to the whims of one Congress or another.

So we will fight as hard as we can to prevent the Republicans, led by the Wisconsin junior Senator, from pulling out the rug from under seniors. We will fight the MAGA Republican politicians who want to gut these critical programs.

It is comments like these that show how out of touch the other side has become. While Republicans were perfectly willing to blow a $2 trillion hole in our deficit in order to give tax cuts to the ultrarich and to the big corporations, now some of them are saying Medicare and Social Security should no longer be guaranteed.

Of course, our Democratic proposal, the Inflation Reduction Act, is vastly different. We will protect healthcare. We will lower the price of prescription drugs and make energy cheaper while making the largest investment in clean energy ever.

These are things that Americans support. These are things that our country needs. And these are things that we are going to get done when we pass the Inflation Reduction Act in the coming days.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FLOODING IN KENTUCKY

Mr. MCCONNELL. Mr. President, tragic flooding continues to devastate

Eastern Kentucky. In the last few days, I have spoken to State legislators and county judge-executives who represent our hardest hit counties.

The Governor reports that Knott County has seen the largest loss of life so far. County Judge Dobson tells me the toll may keep rising in the coming days.

State Representative Chris Fugate represents Breathitt, Owsley, and Perry Counties. He tells me he is housing about 85 people in his church. And the need for shelter for displaced residents will only grow.

State Senator Johnnie Turner represents five counties, including Knott and Letcher. He plans to use his own equipment to help clear debris from the roads.

All across Eastern Kentucky, emergency crews are making a herculean effort to restore access to power, roads, and running water. The Kentucky National Guard has been on the ground and in the air since the outset of this emergency, performing breathtaking rescues and rendering aid.

Some of their amazing work was captured on video. Residents stranded on the roofs of submerged houses were pulled hundreds of feet into the air on a cable and into a helicopter—just extraordinary work.

I am deeply grateful for the brave men and women of the Kentucky National Guard and their service to our State.

As professional first responders work around the clock, families, friends, and neighbors are stepping up as well. One man's actions have attracted national attention. On Thursday, an anonymous neighbor helped a family of three escape their flooded home. Video footage showed a 98-year-old grandmother sitting on a bed fully submerged in water. This anonymous rescuer whisked that woman, her son, and her grandson to safety. All three are now recovering.

Federal, State, and local officials will continue to do everything possible and coordinate rescue and relief efforts. All these courageous acts from professionals and ordinary Kentuckians alike will continue to provide a hopeful glimmer of humanity in this dark, dark disaster.

NATO

Mr. MCCONNELL. Mr. President, now on an entirely different matter today, the Senate will approve ratification protocols to welcome Finland and Sweden as the two newest members of NATO.

I appreciate Leader SCHUMER working with me to ensure the Senate takes this vote before the August recess. And for the reasons I have explained for months now, the vote this afternoon will be as decisive—as decisive—as it is bipartisan.

There is just no question that admitting these robust democratic countries, with modern economies and capable, interoperable militaries, will only strengthen the most successful military alive in human history.

Both countries already participate in NATO and American-led missions. Finland already meets NATO's 2 percent spending target, and Sweden is making significant investments in modernizing its military.

Even with the capabilities these militaries already have, they will bring meaningful, interoperable military capabilities into the alliance on day 1 and improve burden-sharing across the alliance.

There is also no question that their entry is specifically in our interest. These are longstanding defense partners of the United States. The Finns have been flying F–18s and buying sophisticated American munitions since the 1990s. The Swedish defense industry cooperates closely with ours and incorporates American components into modern systems like their fighter aircraft.

Even closer cooperation with these partners will help us counter Russia and China. Their accession will make NATO stronger and America more secure.

If any Senator is looking for a defensible excuse to vote no, I wish them good luck. This is a slam dunk for national security that deserves unanimous bipartisan support.

INFLATION REDUCTION ACT

Mr. MCCONNELL. Mr. President, now on one final matter, Democrats want to pass huge, job-killing tax hikes in the middle of a recession that they themselves created—hundreds of billions of dollars in new taxes on American jobs, American manufacturing, American electricity, and American investment.

Nonpartisan experts have proven these tax hikes will break President Biden's promise not to raise taxes on the middle class. The working class and the middle class will shoulder huge—huge—new burdens.

And all these tax hikes would buy American families no relief whatsoever from inflation. Nonpartisan experts say Democrats' bill would make inflation actually even worse until 2024 and then do basically nothing—nothing—to inflation thereafter. In the teeth of the inflation crisis, Democrats' bill would make inflation even worse over the next 2 years.

Even the most optimistic estimate, the best figures for Democrats, say it would take their legislation—listen to this—9 years—9 years—to unwind as much inflation as the country added every week in the month of June—9 years of runaway taxing and spending in order to subtract 1 week's worth of inflation. And that is an optimistic projection.

Obviously, the point of this bill is not to reduce inflation. Clearly, this taxing-and-spending spree has a different purpose. And when you look at the legislation, the real purpose is absolutely clear: This bill is a massive goodie bag of far-left environmental activists at the expense of working families.

Democrats want to use their own inflation as a pretext to dump hundreds of billions of dollars into Green New Deal nonsense. This bill declares war on American energy independence and affordability. It will push working families' bills higher in order to send cash kickbacks to rich elites if they buy fancy cars and redo their kitchens.

Democrats literally want to increase working families' gas bill, electricity bill, and heating bill so they can send rebates to rich people who buy $80,000 luxury electric cars.

I am not making this up. They have come up with a huge new tax on American natural gas, which millions of Americans use to heat their homes, cook their food, and dry their clothes. On top of that, natural gas is the Nation's largest source of electricity. So Democrats want to add new taxes on top of two of the major bills that millions of American working families pay every month.

That is not all. There is also a new per-barrel tax on American oil and new royalties and fees to drive up the cost of oil and gas production on Federal lands.

With all the money they collect from shaking down American families, Democrats want to finance new credits for people who can afford to buy fancy new cars, stoves, and clothes dryers. Why? Because that is really ''green''—subsidizing retail therapy for liberal elites to rip out working appliances, throw them away, and replace them with the latest fashions.

We have the worst inflation in 40 years right now. Working families can barely afford gas and groceries right now. And Democrats' answer is to offer them a mail-in rebate if they buy an $80,000 car or remodel their kitchen? A specific subsidy for electric car buyers that the senior Senator from West Virginia once called ludicrous is in this bill which he has now authored.

Oh, and the bill tries to skirt a Supreme Court victory that West Virginia just won to stop Democrats' illegal regulations from crushing the State's economy. The legislation intentionally—intentionally—flouts the victory that people of West Virginia just won a few weeks ago at the Supreme Court.

There are billions of dollars for environmental and climate justice block grants to directly enrich far-left nonprofits, including explicit language that would send taxpayer funding to political activism.

Democrats literally want to raise your electric bill in order to pay off their own protesters. I guess the people who stand in the middle of highways during rush hour to make some protest gesture now want to receive taxpayer money for their trouble. Oh—oh—and their bill would send billions of dollars to the Secretary of Transportation to tear up highways instead of building more highways.

If that is not enough, here is the kicker. All of this expensive nonsense adds up to no—no—meaningful impact whatsoever. All of these hundreds of billions of dollars to bankroll new appliances for rich people will not put so much as a dent—a dent—in worldwide emissions or temperatures.

The Washington Post admitted on Monday this legislation ''can scarcely be expected to have an immediate, measurable impact on the warming planet.''

Huge developing countries like China and India are dramatically increasing their emissions every year. Even according to liberals' own modeling, this bill that is supposedly worth looting—looting—the American people would have basically no measurable impact on global warming whatsoever.

Liberal waste, subsidies for the rich, and, according to their very own models, no meaningful impact on the climate—I guess Democrats think their 30 percent approval rating on the economy is actually still too high.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each for debate only.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

INFLATION REDUCTION ACT

Mr. THUNE. Mr. President, ''You don't want to take money out of the economy when the economy is shrinking.'' ''You don't want to take money out of the economy when the economy is shrinking.'' Those aren't my words. Those were the words of the current Democratic leader in 2008: ''You don't want to take money out of the economy when the economy is shrinking.''

Well, apparently, it is a philosophy the Democratic leader no longer subscribes to because, last week, he introduced legislation to take money out of the economy when the economy is shrinking.

The Democrats' so-called Inflation Reduction Act—which is a misnomer if ever there was one, since the bill will do nothing to help alleviate our current inflation crisis—will take hundreds of billions of dollars out of the economy in the form of new tax hikes and comes just as our economy posted a second quarter of negative growth.

Notably, the bill imposes a $313 billion tax hike on American businesses, with roughly half of that increase falling on American manufacturers. I guess the President's commitment to boosting American manufacturing takes a backseat to raising revenue to fund Democrats' Green New Deal priorities.

I don't think I need to tell anyone what happens when you raise taxes on businesses, particularly when the economy is shrinking. You get less growth, fewer jobs, and lower wages. According to an analysis from the National Association of Manufacturers, in 2023 alone, the Democrats' bill would reduce real gross domestic product by more than $68 billion and result in 218,108 fewer workers in the overall economy—a $68 billion reduction in GDP and more than 218,000 fewer workers.

And ordinary Americans would bear a substantial part of the burden of this tax increase. According to data from the nonpartisan Joint Committee on Taxation, the Democrats' bill would increase the tax burden of Americans across every income bracket, with more than half of the increased tax burden falling on Americans making $400,000 or less. Next year alone, the Democrats' bill would increase the tax burden on Americans earning less than $200,000 by $16.7 billion.

Democrats are brazenly attempting to sell this new tax as somehow closing a loophole instead of hiking taxes on American businesses, but that isn't even close to being the truth. When companies pay less than the current corporate tax rate, they are often simply taking advantage of tax credits that Republicans and Democrats put in place to encourage investment in things like research and development or the production of new technologies.

Democrats aren't closing a loophole in the tax bill. Let's face it. They are raising taxes on American businesses at a time when our economy has posted two consecutive quarters of negative growth. They are raising taxes on businesses that are already struggling with historically high inflation.

Democrats claim they will make large companies pay at least a 15-percent minimum tax, but that isn't true either because Democrats have created carve-outs to their own minimum tax. That is right. Not all companies will have to pay the new book minimum tax. For instance, green energy companies and companies that take green energy tax credits will be allowed to pay less than the Democrats' alternative minimum corporate tax rate. In other words, if you are a member of or invest in the Democrats' preferred industries, you get special tax treatment under their legislation. So much for ensuring that all companies—all companies—''pay their fair share.''

In addition to their $313 billion tax hike on American businesses, Democrats' legislation also raises taxes on investment—another bad idea at a time when our economy is already shrinking. Perhaps Democrats' real plan is to reduce inflation by slowing our economy and ensuring that we enter a recession or what is known as stagflation.

Democrats' legislation also raises taxes on oil and gas production even as Americans continue to struggle with high energy prices, including a 75-percent increase in gas prices since President Biden took office.

Taxes aren't the only way the Democrats raise revenue in this bill to pay for their Green New Deal measures. The Democrats' bill also attempts to raise revenue by increasing IRS audits and enforcement. The Democrats' legislation gives the IRS an additional $80 billion in funding over 10 years—$80 billion, about six times their annual budget. This would allow the IRS to hire an additional 87,000 employees, meaning that the IRS would have nearly—do you believe this?—three times as many personnel as U.S. Customs and Border Protection, the Agency that is charged with overseeing security at our Nation's borders—87,000 new employees. The IRS's budget would also substantially exceed Customs and Border Protection's budget if this legislation is enacted.

Now, you might think that given the raging crisis at our southern border, the Biden administration would be focused on beefing up funding and personnel for Customs and Border Protection instead of the IRS, but you would be wrong. Apparently, the need to find money for Democrats' Green New Deal trumps the need for a secure border.

Of the additional $80 billion the Democrats' bill would hand to the IRS, 57 percent or more than $45 billion would go to enforcement and only 4 percent to taxpayer services. Think about that. Four percent for an Agency, as I said on the floor yesterday, that only succeeded in answering about 1 out of every 50 taxpayer phone calls during the 2021 tax season and has repeatedly, as we all know, mishandled sensitive taxpayer data.

To name just one instance, confidential taxpayer information was either leaked or hacked from the IRS last year and shared with the left-leaning ProPublica in order to advance a partisan agenda. More than a year later, the IRS still hasn't provided meaningful followup to Congress or accountability to taxpayers for that leak. Yet Democrats' focus is not on improving the IRS responsiveness and accountability but on boosting the number of audits.

Speaking of those audits, no one should think the IRS would be just auditing major corporations and billionaires. No, this bill would result in a lot of audits of small businesses and ordinary Americans. In fact, it is extremely unlikely the Democrats will be

able to gather the revenue they are claiming they can get from increased IRS enforcement unless they audit Americans making less than $200,000 a year.

Based on data, again, from the Joint Committee on Taxation, 78 to 90 percent of the revenue projected to be raised from underreported income would likely come from those making under $200,000. Only 4 to 9 percent would come from those making more than $500,000. That, again, is from the Joint Committee on Taxation.

I just want to repeat that. Seventy-eight to ninety percent of the revenue projected to be raised from underreported income would likely come from those making under $200,000 a year. In other words, all this talk about audits and, you know, closing the tax gap and forcing people to pay taxes that are due that they are not paying today and implying that somehow that is all going to apply to high-income taxpayers or big corporations or big businesses is just flat inconsistent with the data and the facts as compiled by the Joint Committee on Taxation. Up to 90 percent of the revenue projected to be raised from underreported income would come from those making less than $200,000 a year.

So, Mr. and Mrs. American Taxpayer, get ready. Get ready for the IRS enforcement auditor to come to your house and to start harassing you so that the Democrats can pay for their massive tax-and-spending spree.

After more than a year of high inflation spurred by Democrats' reckless American Rescue Plan spending spree passed last year and with an economy that has shrunk for the past two quarters, it is hard to believe the Democrats are trying to pass hundreds of billions of dollars in tax hikes, but that is exactly what is happening. Once again, economic common sense is taking a back seat to Democrats' big spending and big government ideology.

Democrats have already inflicted a lot of economic pain on the American people, and if this legislation passes, there is more to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AFGHANISTAN

Ms. ERNST. Mr. President, today, I come to the floor to urge President Biden to turn his attention to his disastrous withdrawal from Afghanistan 1 year ago. I want to direct the Commander in Chief to reflect on a series of commitments he made to the American people before and during his reckless exit.

On August 19, 2021, President Biden promised U.S. troops would remain on the ground until every American who wanted to leave Afghanistan was evacuated.

On August 26, 2021, President Biden promised to hunt down and avenge the deaths of 13 servicemembers killed in action by ISIS-K in Kabul.

In a speech to the United Nations on September 21, 2021, the President promised his administration would hold the Taliban accountable to protect the rights of Afghan women.

The Commander in Chief failed to uphold his word on all three fronts, and American security and prosperity have suffered as a result of his broken promises.

Today in Afghanistan, Americans who want to come home remain left behind, and the administration's lack of transparency concerning both the number and desire of Americans trapped in Taliban-controlled Afghanistan is alarming.

The President and members of his Cabinet repeatedly claimed that the number of Americans who wanted out of Afghanistan was roughly 100. That number was spouted from September 2021 through the beginning of this year—the same number over and over again—even though we would hear reports on the television that 40 more Americans were out, 200 Americans were out, and yet the number remained the same. How many Americans remain in Afghanistan? The number they kept using was 100.

There is no way around it: President Biden broke his promise to the Americans who remain and their families anxiously awaiting their return.

Americans have lived and traveled abroad with assurances that the United States would come to their aid in the event of a conflict. No matter how far away, the United States is expected to have the backs of its citizens. Our withdrawal from Afghanistan was a cut-and-run approach that greatly damaged that guarantee.

If the world's greatest superpower cannot locate and extract its own citizens from the clutches of seventh-century thugs, then far greater tests of our sovereignty, security, and prosperity will only loom larger.

As we approach the anniversary of the haphazard withdrawal, there is an open wound hurting our ability to deter the actions of our adversaries.

President Biden promised vengeance on the terrorists who killed 13 Americans—including 1 from my hometown of Red Oak, IA—at Hamid Karzai International Airport.

He told the American people:

> The United States will never rest. We will not forgive. We will not forget. We will hunt you down to the ends of the Earth, and we will—you will pay the ultimate price.

Again, the Commander in Chief's rhetoric does not match his actions. The U.S. military has not targeted or conducted any counterterrorism strikes against ISIS-K in Afghanistan since America's withdrawal on August 31, 2021. Those who planned the cowardly act remain at large.

It is not like ISIS-K is holed up in the Hindu Kush mountains, away from population centers. At least 26 terrorist attacks, many of which ISIS-K has claimed responsibility for, have struck the Afghan people in metropolitan Kabul since our withdrawal. Our enemies are not hiding, but far too often, America is.

We are also stuck with a largely unrealized over-the-horizon counterterrorism strategy that has not deterred the resurgence of terrorists or avenged our lost warriors.

Our military and covert operators' recent strike was welcome and long overdue, but the strike demonstrates a capability rarely employed and a posture toward terrorism far too inexact.

It was President Biden, after all, who said last August that al-Qaida was gone from Afghanistan. Folks, that is clearly not the case. Ensuring that al-Qaida leader al-Zawahiri will never harm an American again was a necessary action, but the strike has raised serious questions about the security situation we have in Afghanistan. The President's so-called and much-promised over-the-horizon counterterrorism strategy has not been a deterrent, like it was promised to be. Instead, we are seeing a growing threat emanating from Afghanistan.

This is the first U.S. military strike in Afghanistan since America left on August 31 of last year. In the meantime, ISIS-K fighters are flowing into the country at alarming rates while al-Qaida and the Taliban have clearly been working together for the past year. At the very least, the Taliban and Haqqani Network gave al-Zawahiri and his thugs safe haven, demonstrating ongoing Taliban collusion with terrorists. A lone strike does not demonstrate a developed capacity to prevent further coordination that threatens American security.

Not only has the U.S. capacity to protect the homeland been greatly damaged, the President's intent to champion human rights as a centerpiece of this administration's foreign policy is also in shambles.

Last fall, the President repeatedly claimed Afghan women were a linchpin of his foreign policy priorities in the region. Yet, today, after 20 years of constitutional democracy and advancement of civil rights, the Taliban has unraveled significant hard-won gains for the women of Afghanistan. The Taliban enforce a fundamentalist interpretation of Islam, prohibit women from working, from attending secondary school, and from traveling any distance without being accompanied by a male member of their family. Most recently, the Taliban has required all women to cover themselves from head to toe in the burqa. Yet it is reported that the President's team continues to bargain with the Taliban concerning diplomatic recognition, potential coordination with the U.S. intelligence community, and access to $3.5 billion in held currency to the Taliban, despite these actions.

Extending official diplomatic engagement and facilitating access to funding without guaranteed and meaningful liberties for women and girls will legitimize the Taliban rule and further

subject women to a brutal regime. Any further effort to surrender leverage to the Taliban is a candid reflection of the Biden administration's failure to remedy its own hypocrisy regarding human rights.

The administration's abandonment of Americans, inability to serve justice for our soldiers killed in action, impassive counterterrorism operations, and ignorance of the human rights disaster they precipitated in Afghanistan have substituted sound strategy for an ad hoc response of willful negligence.

And they know it.

The Department of State and Department of Defense under President Biden have refused to cooperate with the Special Inspector General for Afghanistan Reconstruction.

The President's neglect is most profoundly demonstrated through his administration's lack of controls on billions of dollars of taxpayer and frozen funds marked for humanitarian aid that have found their way into the Taliban's coffers.

Since the Taliban and Haqqani Network—the two groups that are ruling Afghanistan—are Specially Designated Global Terrorists, existing law compels the administration to disclose the risk of taxpayer money slipping into the hands of these two terror groups.

The licenses issued by the Treasury Department over the last year extend far beyond acute humanitarian aid for food and medicine. They expand the authorization of funding for activities from endangered species research to direct payments to support governing institutions controlled by the Taliban and the Haqqani Network.

I led 15 other Senators in asking the Biden administration to detail the total financial support provided to Afghanistan and an honest assessment of the taxes, the fees, and the import duties syphoned off by the Taliban. More than 6 months later, we are still waiting for a comprehensive answer.

This is completely unacceptable in light of recent reporting that Taliban authorities are interfering with the delivery of humanitarian aid, despite a pledge to the United Nations last fall that they would not. The people of Afghanistan continue to suffer from food insecurity while the Taliban are enjoying the spoils of America's generosity.

Numerous requests for a detailed accounting have gone unanswered by the Treasury and State Departments.

Leaving Americans behind, failing to avenge the death of 13 servicemembers, and abdicating your promises to Afghan women and girls do not deter threats from our shores.

In testimony to the Senate Armed Services Committee on October 26, 2021, the Under Secretary of Defense for Policy stated that ISIS-K and al-Qaida have the intent to conduct operations against the United States, and that ISIS-K could generate that capability in 6 to 12 months and al-Qaida within 1 to 2 years.

Eight months have come and passed, and we have yet to learn how Team Biden will protect our citizens from this threat at home or abroad. In the absence of such a framework, threats to our national security grow every day, risking the lives of Americans at home and abroad.

Folks, we are rapidly approaching that 1-year mark—the haphazard withdrawal from Afghanistan—and we cannot forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

TRIBUTE TO JOE SHULTZ

Ms. STABENOW. Mr. President, today I rise to pay tribute to my longtime Agriculture, Nutrition, and Forestry Committee staff director and dear friend Joe Schultz, who will soon be taking on a new challenge after more than 15 years of service in the U.S. Senate.

Now, the first thing I have to say about Joe, just to get it out of the way, is that he is a proud Ohio native and a graduate of the Ohio State University, which is an immediate challenge for anyone from Michigan, whether you are a University of Michigan grad or, as I am, a Michigan State University grad. In fact, his first job in the Senate was working for my colleague and friend Senator BROWN of Ohio.

Senator BROWN swears that Joe was 6 feet 2 inches and had hair when he worked for him, and said it is all about the farm bills that somehow changed that.

But somehow I convinced Joe to come and work for me on the Agriculture Committee, in part, by assuring Senator BROWN that Joe would still be working for Ohio because Senator BROWN is on the Ag Committee. And I am so glad and lucky that I was able to do that.

Joe started as our chief economist. He is a great numbers guy, and nobody loves spreadsheets as much as Joe. Of course, he is so much more than a numbers guy, though, and we very quickly found that out.

He always knows every part of farm policy, and he is an amazing people person—someone you definitely want on your team when you go into a farm bill negotiation, which have been known to be tough.

Joe instinctively knows what people's reactions will be, what they will need in order to get an agreement, and he has always had his finger on the pulse of the Agriculture Committee and the community. That is, in large part, because agricultural is way more than a job for Joe; it is his life.

He grew up on a farm, a family farm in Ohio. He even convinced his wife Virginia to have their wedding on the family farm. It was beautiful, and I was so honored to be in attendance with all their family and friends and their sheep.

Now, if you have ever talked with Joe, you would probably know that his family raised sheep on the farm. And, boy, can he tell you some wild stories.

For years, Joe would have a contest on Facebook during lambing season. He called it ''Lambageddon.'' His friends would all guess the number of lambs that would be born over Presidents Day weekend, typically the busiest lambing weekend of the year. And, of course, he always took time off to be there. Whoever got closest to the correct number of lambs got bragging rights and the opportunity to name a lamb.

Given his dedication to the family flock, nobody on the Ag Committee was at all surprised when Joe and Virginia welcomed two adorable babies, Will and Izzy, into their own family—twins—a little bit more than a year ago. After all, sheep typically have twin births, I understand.

If you have ever worked with Joe, one of the first things you notice is his wonderful positive attitude. He is quick to smile, quick to laugh. He always assumes the best of people. He makes everything he is involved in so much better. That is true whether you are talking about very contentious farm bill negotiations—and we have had more than a few since 2011—or field hearings and meetings with stakeholders.

I wonder if he has kept a running total of the number of farms he has visited in Michigan.

Nobody—and I mean nobody—can talk about crop insurance like Joe. He knows all the details.

I will never forget, Brandon Fewins, who worked for me for 20 years as my Northern Michigan regional manager, and is now the USDA Rural Development Michigan State Director. Brandon told this story about seeing this firsthand: He remembered a farm bill hearing during which one attendee asked a very technical question about regulations. Joe gave a very detailed answer and then said: Hold on. He then consulted the farm bill legislative text in front of him, found the applicable section, and repeated word for word what he had just said off the top of his head.

And then there were the codels. I will never forget the trip to Africa in 2014 with the women Members of the Senate. I led this first all-women's codel and members of the Agriculture Committee. We went to five countries on two continents in 10 days, and many of our stops were in very rural areas.

The codel focused on food security, global hunger, empowering women and girls, and agricultural trade.

Having Joe along was such a huge help—help because of his broad knowledge of agricultural issues. And, I have to say, he is an amazing travel guide. I know every Senator on the trip would agree with me, and we are so glad that he was a part of the trip.

One thing I am extremely proud of, and I know Joe is too, is the strong sense of collegiality he has nurtured with our amazing Agriculture Committee staff and beyond.

As one former colleague said: Joe is the kind of leader who makes working long hours under crazy stress tolerable and survivable.

Even Republicans have wonderful things to say about Joe. That is not something you see on every Senate Committee.

Joe, I know I speak for all of us, Republicans included, when I say we will miss you deeply. I am so grateful to have had your leadership and friendship as we have steered the Agriculture Committee together. We have an amazing, talented ag staff because of you and your leadership.

I wish you and Virginia and your two beautiful children much success and happiness as you move forward to your new adventures. I know you will be successful, and I look forward to celebrating all the success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

EXECUTIVE SESSION

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 5, Treaty document No. 117–3, with all remaining provisions of the previous order in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will proceed to executive session to consider the following: a treaty, which the clerk will state.

The treaty will be stated.

The legislative clerk read as follows:

Treaty document No. 117–3, Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden.

The PRESIDING OFFICER. Under the previous order, there will now be 3 hours of debate, equally divided between the two leaders or their designees, on the treaties and resolution of advice and consent to ratification.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, while I know the Senate and the American people's attention has been drawn in many different directions over the past couple of months, and while we are still working through numerous legislative proposals to address real challenges that families across the United States are facing, from high food prices to gas prices to devastating natural disasters exacerbated by climate change, I am here today to encourage my colleagues to support the United States taking an important step forward in affirming our commitment to freedom, democracy, and collective defense; to send a signal to the world that we will unite against those actors who seek to destabilize the supply of food that threatens hunger for millions of people all over the world, who seek to weaponize energy in the middle of an unprecedented heat wave, and who think they can simply invade a neighbor with no consequences.

As we grapple with the complex geopolitics, Putin's generals are bombing Ukrainian cities. His forces are still largely blockading Ukrainian ports. His soldiers are committing war crimes. These are not only attacks on brave Ukrainians, they are attacks on the rule of international law of which we all want to live by. They are attacks on the international order. They are attacks on one of the most deeply held American principles of a nation's right to determine its own destiny.

And so, I rise today in support of strengthening one of the greatest tools the United States has to bolster our efforts to protect those very democratic values and our citizens: the North Atlantic Treaty Organization, known as NATO, one of the greatest alliances the world has ever seen. Welcoming Sweden and Finland into the NATO alliance will signal the United States' ongoing commitment to peace, stability, and democracy in Europe and around the world.

Enlarging NATO is exactly the opposite of what Putin envisioned when he ordered his tanks to invade Ukraine. Indeed, he may have been trying to test the resolve of the alliance. And I am pleased that we have passed that test with overwhelming unity of vision and purpose.

He hoped to quickly gobble up territory to correct what he has called ''the greatest geopolitical catastrophe of the century,'' which, in essence, is the dissolution of what was the Soviet Union with little resistance from the countries who formally united in a values-based front against the ills of that vision for Europe and for the world. But instead of a quick strike, Ukrainians—from soldiers to schoolteachers—bravely fought back.

Instead of a Russian coup in Kyiv, President Zelenskyy rallied his nation. Instead of a divided West, we have been more united than ever. The United States, the overwhelming majority of Europe, and, indeed, the entire free world have come together to support Ukraine, to support democracies and the rule of law, and to defend against brazen authoritarian aggression worldwide.

However, despite the fact that Putin's distorted world view has run into the reality of a reenergized North Atlantic Treaty Organization, this has not dissuaded him. This has not tempered his resentment of the West. This has not stopped him from using food and gas as a weapon of war. This has not curbed the threat of further Russian aggression. And so it is absolutely critical that we take this historic step today and provide our advice and consent to ratifying the accession protocols for Sweden and Finland to join the NATO alliance.

More than ever, it is crystal clear that NATO plays a vital role for the security of the United States and as a bulwark in protecting peace and democracies throughout the world.

Seventy years ago, democratic nations of Europe and the United States came together to defend the liberty, freedom, and individual rights of their citizens from the threat of a militarized Soviet Union. Now, as then, this defensive alliance serves as a bulwark of stability and the rule of law for the people of its member states. Partnering with our values-based partners serves as a force multiplier for our defensive military capabilities to protect our citizens and advance our interests.

Indeed, the most famous of the articles of incorporation of NATO, article 5, which states that an attack on one member is considered an attack on all, has been invoked only once—only once—when terrorists attacked the United States on September 11 and our NATO allies rallied behind us. The Canadian Air Force was patrolling our skies, and NATO joined us in our collective efforts abroad to hunt down those who had perpetrated the attacks of September 11. We should do nothing in ratification to suggest that we are not committed to article 5.

The U.S. Constitution reigns supreme in all of our actions, so we should not so doubt about our commitment, especially in this time in history. So we are dutybound to carefully consider who we admit into this alliance.

Over the course of its seven-decade history, admission to NATO has been guided by the alliance's open-door policy, as outlined in article 10 of NATO's founding document, and specific benchmarks that every American administration has used since the founding of NATO: Members must have a functioning democratic political system based on a market economy; fair treatment of minority populations; a commitment to resolve conflicts peacefully; an ability and willingness to contribute to NATO military operations; and a commitment to democratic civil-military relations.

Sweden and Finland meet and exceed these benchmarks in every respect. Indeed, the qualifications of these two prosperous, democratic nations are outstanding and will serve to strengthen the NATO alliance. These are two steadfast NATO and U.S. allies with strong military and democratic institutions. They have every reason to participate in collective defense against potential Russian aggression, and NATO has every reason to embrace and welcome them into the alliance without delay.

The people of Sweden and Finland and their governments have shown themselves to be strongly supportive of joining NATO, and in many ways, Finland and Sweden are ideal candidates for NATO membership. Both have large, technologically advanced, and growing militaries that are well-positioned to integrate into NATO. Both have partnered with NATO, contributing to operations in the Balkans, Afghanistan, and Iraq. And since Russia's

invasion of Ukraine, they have strengthened their relations with NATO even further. They have been engaging in dialogue and consultations. They have been exchanging information, and they have been coordinating training and exercises.

In fact, given geography and history, Finland and Sweden have long equipped their militaries and prepared their societies for the prospect of Russian aggression. Their participation in NATO would reduce the burden on the United States and the whole military alliance. Finland already spends more than 2 percent of its GDP on its defense budget, and Sweden has repeatedly publicly committed to reaching that target as soon as possible. On top of all of this, these are two nations that are models of good governance—two nations that respect and promote human rights.

With just a few detractors, I am pleased that there will be broad bipartisan support for admitting Sweden and Finland into NATO, but let me speak to those few detractors.

Some critics say they don't want us to subsidize these wealthy European nations' security, but, of course, that is not the case. They meet or will soon meet the 2-percent threshold for military spending. We can count on these nations to pull their own weight. If anything, welcoming Finland and Sweden to NATO will reduce the burden on the United States. There is a tremendous urgency and a strong case for inviting these countries, and we must act now.

For those who say that expanding NATO provokes Russia, I would say, after the decades of neutrality that Finland and Sweden have had, they have been provoked by Russia's aggressions in Ukraine to seek NATO membership.

Should we let ruthless autocrats threaten the security of democratic nations and American allies or let them think they can launch ground invasions against peaceful neighbors without consequences? No.

Should we let the fears of an irrational dictator guide U.S. foreign policy? No.

Should we appease a brutal butcher like Putin? No.

The European public says no; the American public says no; and I hope the U.S. Senate says no as well.

So, today, I urge my colleagues to vote yes—yes to providing advice and consent; yes to supporting these historic treaties; yes to welcoming Finland and Sweden—steadfast, loyal allies and beacons of democracy—to NATO; yes to a Europe that is secure and prosperous.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—S. 4723

Ms. ROSEN. Mr. President, in the month since the Supreme Court struck down Roe v. Wade, the assault on reproductive rights by anti-choice MAGA Republicans—well, it has been relentless.

We have seen and heard the horror stories of women in States that have outlawed abortion. We have seen women and even young girls—children as young as 10—who were raped and unable to get an abortion in their own States. We have seen examples of States looking to restrict—restrict—a woman's ability to travel to other States—restrict a woman's ability to travel to other States—to get the medical care, the often lifesaving care, they desperately need. In fact, this is an issue that Republicans in this Chamber objected to when Democrats brought up a bill to guarantee the fundamental right of women to travel in this country in order to seek care.

MAGA Republicans—oh, wait. They want to strip women of their freedoms, and they want to strip women of their ability to choose what happens to their own bodies. If MAGA extremists have their way in Congress, they will enact a rigid—a rigid—nationwide abortion ban which will threaten women and their doctors with jail time.

Look at what is already happening: Anti-choice States are working to stop women from going to pro-choice States to seek care, and now they are even going after the doctors—after the doctors—in those States, who are simply doing their jobs by taking care of their patients.

This is utterly and completely outrageous. We cannot allow this to happen. That is why Senators MURRAY, PADILLA, LUJÁN, and I introduced legislation to protect doctors in States like Nevada—where abortion remains legal—from facing prosecution by anti-choice States.

Let me be clear. No doctor should ever be jailed for providing women with the reproductive and often lifesaving care they need wherever—wherever—those women are from.

Our bill, the Let Doctors Provide Reproductive Health Care Act, would do exactly what is in the name. It would let doctors—medical professionals—provide reproductive care in States like Nevada where abortion is legal, without fear of prosecution or fear of jail time.

Our bill would empower the Department of Justice to protect women and their doctors in pro-choice States from anti-choice States' attempts to prosecute them. This means that if a woman from Texas travels to my State of Nevada, a pro-choice State, the Nevada doctor she sees cannot—cannot—be prosecuted under Texas's extreme abortion ban.

We need to pass this now, without delay and without objections, because we must protect women, and we must protect their doctors. We must pass the Let Doctors Provide Reproductive Health Care Act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today in support of the Let Doctors Provide Reproductive Health Care Act.

I am honored to be here with the Senator from Nevada, Senator ROSEN. She is one of the sponsors of this bill, along with Senator MURRAY and Senator PADILLA, who is also here, and Senator BEN RAY LUJÁN and myself in addition to over 20 of our colleagues.

We must pass this bill today. Almost 6 weeks ago—that is all the time it has been. It seems like it has been a lot longer. It has been only 6 weeks since the Supreme Court issued a rule shredding nearly five decades of precedent of protecting a woman's right to make her own healthcare decisions.

Now, because of that decision to shred 50 years of precedent, women are at the mercy of State laws or new State laws or Governors. They literally ran to the State capitols—a number of legislators—to see who could get there first to introduce and pass the most extreme bill. Literally, women are at the mercy of State laws that are a patchwork across the country and that, in many cases, leave them with fewer rights than their mothers or their grandmothers had.

This is in spite of what the American people want, as 70 to 80 percent of Americans believe that it is a decision that should be made by a woman and her doctor and not by politicians—not by my colleagues on the other side of the aisle. They don't want them making their decisions for them. They want to make their decisions with their doctors.

As if it were not proof enough, after having come here every single week since the Dobbs decision was issued to remind people of where the actual public is out there, look at what happened last night. We heard the majority loud and clear in the Sunflower State of Kansas. The people of Kansas, in a record turnout—doubling the number of Kansans who voted in the last midterm election—voted 59 to 41 percent to protect reproductive freedom. That is more than 530,000 Kansans who showed up at an odd election time. In the middle of the summer, on a hot day in August, they showed up to protect women's rights. For context, fewer than 460,000 Kansans even cast a ballot in the 2018 primary. That is what we are dealing with; yet we now have 530,000 who showed up to vote on one side to say: A woman's right should be protected in their State.

This is a wake-up call to my colleagues who have been resisting action when it comes to allowing women to travel, when it comes to allowing women to be able to make a choice about even contraception, when it comes to, in this bill, letting doctors provide reproductive healthcare.

This doesn't come down to red States or blue States, my friends. People across the country, as I have argued vociferously before—and now I have my proof point—whether they be Independents, Democrats, or moderate Republicans, when they show up, women's

rights are protected. And guess what. They are showing up.

Since this decision came down, I have come to the floor of the Senate again and again with my colleagues to push for commonsense bills to protect women in this post-Roe world. We have tried to preserve a woman's right to travel to other States; that was Senator CORTEZ MASTO's bill. We brought a bill to the floor to give women reliable access to family planning services; that was my colleague Senator TINA SMITH's bill. We tried to pass legislation to make sure everyone could access contraception as well as accurate information about contraception.

We thank all our colleagues for their work on these bills, and I want to specifically mention Senator MURRAY for her work. We are not giving up, not when so much is on the line.

Many of the biggest fights for reproductive freedom are happening on State and local levels. Women as well as their doctors are now in the crosshairs. Republican State lawmakers are drafting legislation that would make it a crime to provide abortion care to a patient in another State where it is legal.

Let's get this straight. They would make it a crime, where you can't get an abortion—like that little 10-year-old girl couldn't get an abortion, when she was raped, in her own State. She goes to another State, and now we have legislators in certain States who are trying to make it a crime for her to do that. State legislators in Texas and Arkansas have indicated they are considering these kinds of laws, and the Governor of South Dakota, which shares a border with my State, refused to rule out a similar law.

Doctors in Minnesota, where reproductive rights are firmly protected, could be prosecuted for providing completely legal medical procedures for people in maybe North Dakota or South Dakota or Iowa who come to the great State of Minnesota.

The Let Doctors Provide Reproductive Health Care Act is a straightforward solution. It protects doctors giving abortion care in States where it is legal and stops extreme attempts to investigate or punish them for doing their job.

Women and the providers who help them are already facing so much uncertainty because of the Dobbs decision. We should all be able to agree that, at the very least, States shouldn't be able to target, punish, or arrest out-of-State doctors who are following their own State laws.

Today, each and every one of my colleagues has the opportunity to make clear where they stand. They did that in Kansas last night; they were able to vote. Now, let's have a real vote on this—not stop the vote, actually get it done.

I see my friend Senator BLUMENTHAL, who has been such a leader on this issue, out of the State of Connecticut is here as well as Senator PADILLA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first, I thank my colleague and friend from the great State of Minnesota for being such a steadfast champion of this issue over so many years and such an articulate and eloquent spokesman.

I am proud to join her and other colleagues, as we have done, week after week since the Dobbs decision, trying to protect a woman's right to decide when and whether to have children, a woman's basic control over her own body, a woman's freedom that the Dobbs decision stripped away and put in the hands of politicians.

The politicians in robes on the Supreme Court, in effect, took those rights away from the women of America, after 50 years of precedent and after everyone thought these rights were absolutely secure.

When I first introduced the Women's Health Protection Act in 2013, the idea that Roe v. Wade would be overruled was absolutely unimaginable. We were trying to fight the disruption of rights piece by piece through State laws that required admitting privileges or width of hallways or waiting times or other kinds of restrictions that constituted an unconstitutional burden on women's rights.

Now, we are in the post-Roe world where the unthinkable has become real. The unimaginable is with us right now, and worse is to come.

The hit list of this Supreme Court includes contraception, marriage equality, the basic right to privacy that is enshrined in the Constitution, the right to be let alone from government interference.

So my Republican colleagues who think we are being alarmists, the unthinkable is with us right now. And we need to provide assurance and certainty to the women of America that they can travel to seek abortion services; that family planning options will be available to them; that contraception rights will be secure. And each time we have come to the floor to seek that recognition of basic rights, the Republicans have blocked us.

So now we are here on a measure called let doctors provide reproductive healthcare—Let Doctors Provide Reproductive Health Care.

There is a really cruel irony to this effort. The doctors and nurses and healthcare providers who were our heros and remain our heros—even more so now—during the pandemic and afterward, can be prosecuted criminally for trying to save a woman's life. An abortion that is necessary to that woman's life may be the mission of a doctor who then can be prosecuted criminally.

Now, in Connecticut, we have said—our legislature has made it absolutely clear that nobody in Connecticut is going to be prosecuted, no law enforcement official in Connecticut is going to cooperate with Texas or any other States that criminalize abortion services, no evidence from Connecticut is going to be made available to an overly zealous or aggressive prosecutor hell-bent on going after a doctor or a healthcare provider or a woman who seeks abortion services, but Connecticut is the exception. Its safe harbor makes it unusual, not common.

So we need a national law, Let Doctors Provide Reproductive Health Care Act, that protects the healthcare givers and providers of our Nation to do their job. The Hippocratic oath is, for them, something that goes as deep as our oath of office for us. We are sworn to uphold the Constitution; they, in effect, take an oath to save lives. That is their job, and their lives should not be in jeopardy, nor should their livelihood, simply because they are doing their job.

We have seen, time and time again, that this Supreme Court has no respect for precedent. We have seen State legislators who have no respect for reproductive rights and healthcare. We cannot rely on false reassurances made by Republican colleagues here or anyone around the country because history has already shown us that this Supreme Court has on its hit list these fundamental rights and expanding the restrictions on them.

So I ask my colleagues to join us in unanimous consent for this measure. That motion will be made shortly. I hope that we can join in ensuring that individuals have access to quality healthcare regardless of their ZIP Code, no matter where they live. The women of America deserve this basic right, and the healthcare providers who enable them to protect themselves and who save lives deserve the assurance that they are not going to be the target of a prosecutor hell-bent on making a name for himself or a State legislature seeking to make political points at the expense of a healthcare provider.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. PADILLA. Mr. President, colleagues, on January 24, just 5½ weeks ago, the Supreme Court overturned Roe v. Wade just weeks after Republicans in this Chamber blocked our push to codify the right to an abortion into Federal law.

So since January 24, Democrats have been fighting to ensure that abortion care remains accessible. We pushed to pass a bill that would protect the fundamental right to travel to States where abortion is still legal; Republicans blocked it. We pushed to pass a commonsense bill to expand access to family planning services; Republicans blocked that one too. We pushed to codify the right to contraception; Republicans blocked it. At every turn, Republicans have taken extreme and out-of-touch positions by blocking these commonsense bills.

So today Democrats are standing up to protect doctors, nurses, and other healthcare professionals who are increasingly under attack just for doing

their jobs and providing legal abortions.

Colleagues, I am proud to join Senator MURRAY and our colleagues in this effort to pass the Let Doctors Provide Reproductive Health Care Act to ensure doctors can provide the reproductive healthcare that women need. Abortion access, after all, is essential healthcare.

Now, I have seen firsthand the incredible work that providers in California do to provide critical reproductive care. Most recently, I have visited a Planned Parenthood clinic in Los Angeles. We are already seeing a chilling effect among healthcare providers driven by the uncertainty of their legal liability—like the alarming lawsuit that was filed against the provider in Indiana who legally helped a 10-year-old rape victim terminate her unwanted pregnancy. So we must make it clear for healthcare providers that abortion restrictions cannot be allowed to reach beyond the borders of anti-abortion States.

The decision of whether or not to have a child is one of the most personal decisions that someone can make—for the students who choose to finish high school before starting a family, for the survivors of sexual assault whose abortion reaffirms the right to choose for their own bodies, for the parents who desperately wanted a child only to learn devastating news about dangerous health risks, for patients whose lives were saved by an abortion because abortion is often critical medical care. Access to abortion should not be dictated by politicians and lawyers.

California and many other States across the country refuse to turn the clock back to an era when abortions were outlawed and dangerous. And, as we saw last night in Kansas, the majority of Kansas voters—in fact, the majority of Americans—agree that women should have access to abortion care.

So we must pass the Let Doctors Provide Reproductive Healthcare Act to protect the courageous women and men delivering essential medical care to those who need it.

While Republicans continue to block our efforts to protect reproductive rights, Democrats won't back down. In the face of these unending attacks on reproductive freedom, we will not give up the fight to protect a woman's right to safe abortion access.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Washington.

Mrs. MURRAY. Madam President, I want to start by recognizing the overwhelming victory for the right to abortion in Kansas last night. Since the day the Supreme Court struck down the right to abortion and upended the lives of women across the country, the American people have been using their voices to speak out against Republicans' extreme bans.

And now, for the first time since the Dobbs decision, they have had the chance to speak with their votes, and they sent a message loud and clear: People do not want their fundamental rights stripped away. They will not forget Republicans' cruelty in dragging us back half a century, and when abortion is at stake, they are not going to stay on the sidelines.

Last night, the people of Kansas sent a message as clear as any I have ever seen in politics. Now, today, we are going to see if Republicans are finally getting that message or if they are going to continue to ignore the American people, because Democrats are here today with legislation to protect doctors providing legal abortion care and make sure they can do their jobs, practice medicine, and save lives without the threat of legal action.

I really can't believe that we need this bill at all. We are talking about doctors who are following the law and simply want to provide care to their patients. It is not enough for Republicans that their cruel abortion bans have meant appointments that have been canceled; prescriptions that have been denied; doctors who have been forced to wait until patients got sicker, to wait until women are actually at death's door before they can provide lifesaving care.

Nope, they are going to go further than that. Now they are coming after doctors providing legal abortion care too. I really can't emphasize that enough. These doctors are following the law and are still facing legal threats and harassment.

Right now, in Indiana, a doctor is being investigated after providing an abortion for a 10-year-old who was raped. Think about that. A doctor is being investigated after doing their job, after simply providing healthcare—care that can be lifesaving, care that was entirely legal in their State, care that, up until the Republicans' far-right Supreme Court overturned Roe, was legal across the country.

The fact that Dr. Bernard is being investigated after just doing her job and helping her patient is chilling.

I want to be very clear. While Dr. Bernard's story may be in headlines across the country, she is not the only doctor facing threats, and she will not be the last. At this very moment, Republican State lawmakers are drafting legislation that would make it a crime to provide abortion care to a resident even in another State where it is legal.

From talking with doctors back home in Washington, I can tell you, they are following this closely and they are worried. I have heard from providers back in Spokane and across Washington State who are worried that they could face lawsuits that threaten their practices and their livelihoods just for doing their jobs, just for providing care that patients need—care that is, once again, completely legal in my State.

So Democrats are here today standing up for doctors. We have been drafting a bill of our own, the Let Doctors Provide Reproductive Healthcare Act, and we are proud that Dr. Bernard herself supports this bill.

I want to thank my colleagues Senator ROSEN from Nevada, Senator LUJÁN from New Mexico, and Senator PADILLA from California for their partnership and critical work on this bill, as well as my colleague Representative SCHRIER from my home State of Washington, who is leading the legislation in the House.

This is another simple bill to address a threat we know is far too real. The Let Doctors Provide Reproductive Healthcare Act will protect doctors providing legal abortion care and make sure that they can practice medicine and save lives without fear of legal threats and intimidation. It will make clear that the attacks we have seen on doctors are unacceptable; that politicians should not be harassing or scaring or investigating or threatening or punishing doctors for providing care that is perfectly legal, that patients want, and that, in many cases, is even necessary to save lives.

Democrats are going to try to pass this bill right now because we believe no doctor should be punished for caring for patients and providing legal abortion care. And if Republicans who have claimed they don't want to punish doctors actually mean it, if those words are more than just an empty talking point, more than another broken promise, they will stay out of the way and let us get this done today.

But if they don't—if they block us like they blocked the legislation to protect the right to travel across State lines for an abortion, or like they blocked the legislation to expand family planning services, or like they blocked legislation to protect the right to contraceptives—their obstruction will continue to speak louder than any of their hollow claims about actually caring for patients or families or women.

And even if they stop us from getting this bill done today, they are not going to stop us from continuing to put them on the record and hold them accountable for their positions. They are not going to stop us from doing everything we can to protect the rights and the people they are putting in grave danger. And they are going to have to answer to the people they represent—to patients, to providers, to families—whose lives they are turning upside down.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4723 and that the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Madam President, reserving the right to object, many

Americans are not going to see eye to eye on the issue of abortion. I am glad to see that the Supreme Court did what it did and returned that decision to the people, to the State legislatures. Currently, Indiana is debating that issue.

This bill denies State legislators the right to make laws protecting life in their own States. The bill appears to be dealing with traveling freely across the Nation to get an abortion, but a literal reading of the text proves the true intent of the bill. It is, I think, a backdoor into trying to upend what should be neighboring State legislatures' responsibility. It should be the people in their State that make the decision.

Let's look at section 3(a)(3) of the bill, stating ''no individual, entity, or State may restrict . . . a health care provider or any individual entity from providing or assisting a health care provider with reproductive health care services for an individual who does not reside''—who does not reside—''in the State in which the services are to be provided.''

Sections 3(a)(1) and 3(a)(2) of the bill specifically include the phrase ''lawful in the State.'' Why is that omitted from the previous clause? I think it is because this bill is an attempt to undermine State laws that protect life by allowing abortions for anyone who crosses State lines and is not a resident of that State.

Not to belabor it, I want to read it one more time, slowly. Once again, this bill reads:

> No individual, entity, or State may prevent, restrict, impede, or disadvantage . . . any individual from providing or assisting reproductive health care services for an individual who does not reside in the State.

Senator MURRAY did not mention that it also gives the Department of Justice $40 million in grant funding to help people sue States that enact policies to protect life. The Department of Health and Human Services is given another $40 million in funding for any eligible center at Secretary Becerra's discretion. This funding is not protected by the Hyde amendment.

We should not spend $80 million to undermine State laws on life or impose a legislative backdoor for abortion on demand across the Nation. For this reason, I oppose this bill, and I do object to it.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, we have now seen time and again, over the last few weeks, that when it comes to protecting rights and providing healthcare for women and patients and families, Republicans' promises are empty and their positions are extreme.

Democrats just offered a bill to protect the rights of providers to be able to provide abortions in legal States. Democrats recently offered a bill to protect the right to travel across State lines to get an abortion. They blocked it. We offered a bill to expand our Nation's longstanding Family Planning Program. They blocked that. We offered a bill to protect the right to contraceptives, and they blocked that too. Today, again, we offered a bill simply to protect doctors performing legal abortions, and they blocked that too.

Each one of these bills was incredibly straightforward. Each one of these is common sense. Each time, Republicans have stood in the way of basic protections of Americans' reproductive freedoms.

Democrats are not giving up, and, as we saw last night, the American people are not either. We are going to fight for the right to an abortion. We are going to fight for doctors who are doing their jobs and doing what is best for their patients. We are going to fight for women making their own decisions about their own bodies, their families, and their futures.

And we are going to make sure everyone knows and no one forgets exactly who is standing in the way, exactly where Republicans stand in this fight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no time is yielded, time will be charged equally to both sides.

The Senator from Ohio.

UKRAINE

Mr. PORTMAN. Madam President, I am on the floor today with Senator JEANNE SHAHEEN from New Hampshire to join in a colloquy regarding what is happening in Ukraine. This is the 20th time in so many weeks that I have come to the floor to talk about the illegal, unprovoked, and brutal invasion of Ukraine by Russia.

Today, I look forward to being with my colleague Senator SHAHEEN, a member of the Ukraine Caucus and someone with whom I have traveled to Ukraine and also to the border of Ukraine and Poland to meet with the refugees.

Senator SHAHEEN is going to talk, I think, a little about how we got to where we are and what we do going forward. I was also recently made aware of the fact that we are going to take up the NATO ratification vote today. And this is to have the United States approve the addition of Sweden and Finland to the NATO alliance. This is great for the alliance. It is great for the United States. And I believe it is also—otherwise, they wouldn't be interested—very good for the people of Finland and Sweden.

They add a lot to the NATO alliance. They are militarily and economically in a position to be valuable contributors. They also, in the case of Finland, share the largest land border with Russia of any country. They have understandable concerns with what they see happening in Ukraine.

I just believe it is very much in our national security interests and the interests of people I represent to have, in addition, even further strengthening of the NATO alliance through the addition of these two partners.

Vladimir Putin thought he was going to split NATO apart when he began his invasion of Ukraine, I believe. And today, he is finding just the opposite has happened. NATO has come together in ways we have never seen. And we now have, again, the addition of two very strong members of NATO who are longtime allies of the United States and will add significantly to the NATO alliance.

With regard to Ukraine, let's start with a little history. Ukrainians have faced adversity from Russia for hundreds of years. This is not new to them. Russia's oppression of Ukraine is not a 21st century issue. For 300 years, under the brutal rule of the Russian czars, Ukrainians were subjected to repeated efforts to stamp out their language, their culture, and their identity.

In January of 1918, Ukrainians got their first taste of national freedom. While Russia was dealing with the chaos of the Bolshevik Revolution, Ukraine declared its independence from the Russian Empire. Unfortunately, this freedom was short-lived. Just a few years later, the Bolsheviks conquered Ukraine and subsumed it into the Soviet Union.

As an unwilling member of the Soviet Empire, Ukrainians suffered horrific atrocities at the hands of their Soviet overlords. In 1932 and again in 1933, the Stalinist regime confiscated grain harvests across Ukraine and imposed a premeditated manmade famine against the people of Ukraine. This horrific atrocity is known as the Holodomor. Millions of men, women, and children were starved to death in a deliberate effort to break the Ukrainian nation's resistance to communist occupation. Stalin even ordered the borders of the country to be sealed to prevent anyone from escaping this manmade starvation and to prevent the delivery of any international food aid.

In 2018, Senator DURBIN and I introduced a resolution to commemorate the 85th anniversary of the Holodomor and to recognize the Commission on the Ukraine Famine's findings that the Holodomor was a genocide—no question.

I am grateful to Senator SHAHEEN, Senator TILLIS, and others who are in the Chamber today for cosponsoring that resolution. It passed in October of 2018 unanimously here in the U.S. Senate.

The Holodomor failed to extinguish the Ukrainian people's identity, as hard as they tried, but it was not the end of the Soviet oppression. In the 1970s, the Soviet leadership imposed a crackdown on Ukrainian intellectuals and those with any sort of leanings toward independence or toward the West. The prisons and gulags became filled with Ukrainian political prisoners as the Soviet Union once again tried to assault Ukrainian identity.

But then, in 1991, after years of oppression, Ukraine finally broke away from its Russian rulers for good. Ukraine declared its independence on August 24 that year, and in December, the declaration was confirmed by a referendum in which over 90 percent of

the Ukrainian people voted in favor of independence.

This chart shows the amazing response of the people of Ukraine to that. Ninety-five percent of the people in the Kyiv area, as you can see, supported independence.

By the way, Russians often say that Crimea really was not part of Ukraine. Well, more than half of the people in Crimea were for independence as well. But Russia's crimes against the people of Ukraine continue to this day.

Last week, a video was circulated online of a Russian soldier torturing and mutilating a Ukrainian prisoner. Unfortunately, it is not an isolated incident. After this, the Ukrainian soldier was shot dead and dragged with a rope into a shallow grave by his Russian captors.

We have all seen the pictures from Bucha—people assassinated, people with their hands tied behind their back. Elsewhere in Ukraine, a Russian missile attack struck a prison in Donetsk that was housing Ukrainian prisoners of war. This chart shows that prison and the fact that it was attacked by missiles.

Many of these soldiers were involved in the heroic defense of the Azovstal steel factory in Mariupol. They held out for weeks against Russian assaults on the plant. At least 40 Ukrainian POWs, maybe more, were killed in this assault. These are POWs. These were soldiers who were lawful prisoners of war, supposedly protected by the Geneva Convention. Russia's murder of these POWs is a war crime. And Russia must be held accountable for this and all its countless crimes in Ukraine.

But following its usual playbook, Russia is spreading massive amounts of disinformation regarding this incident and so many others. They claim that the Ukrainian forces killed these prisoners as a way to discourage other soldiers from surrendering.

This, of course, is nonsense. Among other things, Ukraine needs the manpower. Why would they kill their own soldiers instead of getting them back in a prisoner swap that everybody assumed was going to happen? It makes little sense, but it has never stopped Russia from propagating lies to deflect blame from its own crimes. And, unsurprisingly, the Red Cross still has not been granted access to the site by Russia, which clearly needs more time to cover up the evidence of its involvement before they allow any kind of inspection. Let the Red Cross in.

Those responsible for these atrocities must be held to account. This is one reason why Senator SHAHEEN and I last week cosponsored a resolution to recognize what is happening in Ukraine as genocide.

Across the country, Ukrainian women and children have been subjected to indiscriminate Russian missile strikes and airstrikes. It has killed thousands of innocents; not combatants, noncombatants—children.

A few weeks ago, I spoke about little Liza, a 4-year-old girl with autism who was killed by a Russian missile strike in Vinnytsia. When Ukrainian First Lady Olena Zelenska was in town a couple of weeks ago, she spoke about a 3-year-old boy who just learned how to use a prosthetic. Imagine that, an innocent 3-year-old boy who has been forced to learn how to use a prosthetic limb because of a Russian airstrike on civilian targets.

These stories are hard to hear and hard to tell, but the world must know about them. This is the reality that all Ukrainians are facing. Unsurprisingly, the people of Ukraine are responding to these atrocities. A possible Ukrainian counteroffensive may be unfolding in the south, in the direction of Kherson. We have heard about this in the popular media.

Kherson is here. It is near the Black Sea Port of Odesa. This southern part of Ukraine is incredibly important for Ukraine's economy, and Russia knows that.

Remember, Kherson was the first major Ukrainian city to fall to the Russian forces after Russia's full-scale invasion began in February of this year. But now, Ukrainian soldiers are conducting missile strikes against Russian military infrastructure in the area to weaken Russia's defenses. They are also conducting limited ground attacks and liberating parts of this territory that Russia has illegally taken. You can see that in light blue.

The significance of recapturing Kherson cannot be overestimated. It would undo one of Russia's earliest successes in the war. It is also important that Ukraine regain control of much of its Black Sea coast as possible. This is the Ukrainian economy's primary connection to the rest of the world. Russia, of course, has sought to capture this coastline in order to economically strangle Ukraine.

We talked last week about what they are doing in Odesa. They finally decided they were going to let ships come out of Odesa, and they made an agreement that they would not continue to bomb Odesa and certainly not bomb any port facilities. Within 12 hours, they bombed port facilities in Odesa. That is how much the Russian commitment meant. But a ship finally has sailed from Odesa, and we hope many more will go.

If Ukraine is successful in its efforts here in the south, it will undermine President Putin and his attempts to make a Russian victory in Ukraine, something that the Russians say is inevitable.

While Ukraine is making progress in the south, Russia is laying the groundwork to try to annex occupied land, particularly in the east, in this area near Donetsk.

Occupation means that the Russians themselves are distributing Russian passports, paying salaries in Russian rubles, and expediting Russian citizens for Ukrainian citizens. There are reports that Russia will stage a sham referendum in this area to try to legitimize their illegal annexation.

Senior Kremlin officials have warned Russia will never leave areas of Kherson, in the south here, where Russian forces have been occupying the territory. Before the invasion, these cities were home to more than 2.5 million Ukrainians in this area—2.5 million Ukrainians.

One prominent Kremlin propagandist said:

> Ukraine as it was cannot continue to exist.

This person continued.

> There will not be the Ukraine that we have known for many years. It won't be Ukraine any longer.

Clearly, that is the Russian intent. Vladimir Putin has said his ambition is even more. It is to fully restore the borders of the old Soviet Union. We must make sure he knows that Ukraine in 2022 is not Ukraine of 1921, which the Russian Bolsheviks conquered and forced into the Soviet empire.

We know how to help Ukraine to keep this from happening. It is to provide them what they need to defend themselves. We have recently provided Ukraine with what we call High Mobility Artillery Systems, or HIMARS. Many of us have been advocating for that. We are glad to see that there are some HIMARS now in the theater. These have been critical to the recent Ukrainian military successes.

So this Congress has made a difference. We provided funding. We have gotten some equipment into the area that the Ukrainians need to be able to defend themselves and to have some sort of a level playing field with Russia's much bigger Army.

Officials have said that with the help of these HIMARS, Ukraine has taken out Russian high-value targets and destroyed them and saved countless Ukrainian lives. These include ammunition depots and targets from long distances. HIMARS have also conducted many of these strikes in southern Ukraine, I talked about earlier, to make progress here in the Kherson area.

Russians have similar long-range artillery that previously allowed them to fire on Ukrainian forces with impunity. They could sit back and fire and level cities and kill civilians and kill Ukrainian military personnel. But they couldn't be reached by the Ukrainians. Now the Ukrainians have taken themselves out of that danger zone because these HIMARS can balance the playing field and have that longer range and the accuracy they need.

I think there are about 15 in theater now. There are also a few from Germany and a few from the UK. But they need more. They said they need 40 to 50 and the munitions to be able to make them effective. That is something that we should be focused on. We should be focused on providing them, again, what they need to actually win this conflict.

I believe we also have to continue to provide the Ukrainians with other weapons as well, including the Army Tactical Missile System, or the ATACMS. This missile, which can be

launched from the same HIMARS launchers that we have already been giving to Ukraine, has a longer range of 300 kilometers.

In a war like this one that is increasingly becoming an artillery duel, range is a decisive factor. These missiles would allow Ukraine to turn the tables on the Russians, whereas Ukraine used to be outranged by the Russian artillery. With the ATACMS missiles, we would be able to help Ukraine be able to strike important Russian targets with impunity themselves.

This is important because Ukraine is now using these weapons in this counteroffensive in Kherson. The Institute for the Study of War—a think tank here in Washington, DC—has said recently this offensive to take out Russia is in the works, and Ukrainians are using HIMARS to strike targets effectively 50 miles away. It is helping. We made a difference.

Former security adviser to the Ukrainian Government Alexander Khara told Newsweek the state of Russian morale in the south means a counteroffensive ''has an excellent chance of success.''

He continued.

The Russians suffer from poor morale, logistical troubles, and the horror of HIMARS.

So the evidence is clear as to why we should continue to send them weapons they need to be able to not just survive but to win this conflict.

By the way, we have hundreds of HIMARS in our stocks that are currently not with Active units. So we have the ability to help more.

This war has now crossed over the 5-month mark. Since before the invasion began, I have come to this floor a number of times to talk about what needs to be done, as has Senator SHAHEEN, as have others. I have mentioned the fact that we sent billions in military aid and humanitarian assistance to Ukraine and that it is working. Particularly, as we see with some of these new weapons, it is making a difference.

It will help these brave warriors and their most vulnerable noncombatants—the kids and the children—be able to survive and be able, in the case of the military, to be able to start making progress to push out the Russian invaders.

Democrats and Republicans alike have sounded the alarm with bipartisan pushes and legislation to help Ukraine. We have urged—with success, by the way—that the United States cut off our own Russian oil and gas. We are now urging the Europeans to do the same.

We have talked about the need for more weapons, for more sanctions, to remove all of Russia's banks' access to the global financial system—or the SWIFT system—to suspend our tax treaty with Moscow, to explore options to remove other tax benefits, and to remove access to the U.S. market.

All of this is necessary, on the military side, the humanitarian side, the economic side, and the sanctions side in order to have a victory. I fear sometimes with regard to the military assistance that we have been doing too little, too late.

We can't continue to do too little, too late. This is a struggle. It is a struggle between freedom and democracy and the right of self-determination on the one hand and on the other hand, Russian aggression unprovoked, a brutal conquest, authoritarianism, and tyranny.

President Putin's ambitions lie well beyond Ukraine. We must continue to show him the West continues to stand united. We need to show Ukraine the world stands with them. This is why it is so important that Sweden and Finland have chosen to join NATO, and we must support them in that.

All this, by the way, transcends the political spectrum, and I have certainly seen that. Senator SHAHEEN and I have shown that in our work to aid Ukraine. It is not a political issue. It is not a Republican or Democrat issue. We are stepping up in support of our democratic ally together.

As the fight rages on, the perseverance and self-determination of Ukrainians seem to grow even stronger. We have seen their resilience in the face of daily bombardments. We have seen their resilience in the face of Russia's broken promises when, counter to their commitments, Russia has attacked ports, as I said, and humanitarian corridors.

The Ukrainian people are fighting for their homeland, for their families, for their freedom. It is impressive and inspiring to see what they are doing.

The Senate is going to break for an August recess here in the next few days. Even though we won't be on the floor every week to continue to fight for the Ukrainian people, we will do so with our work back home, with getting more people engaged and involved in America to help on the humanitarian side. We will continue to promote the fact that the U.S. national security interest is served by helping freedom and democracy.

I want to note something President Zelenskyy said recently in an address to the people of Ukraine. He said:

Strategically, Russia has no chance of winning this war. And it is necessary to hold on, so that even at the tactical levels, the terror state feels its defeat. No matter what happens and no matter what the occupiers' plans are, we must do our job, protect our state and take care of each other.

Let's help Ukraine finish this mission, protect their state, their democracy, and take care of each other. Let's give Ukraine the tools it needs to be able to do that. After these months of fighting and giving aid, the West must not falter during Ukraine's dire time of need. We must be there through victory for the Ukrainian people—victory for self-determination, victory for freedom.

I yield to my colleague from New Hampshire, Senator SHAHEEN, my partner in this effort.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am really pleased to be able to come to the floor this afternoon to join my colleague from Ohio, Senator PORTMAN. We twice traveled to Ukraine together. I have appreciated his leadership as cochair of the Ukraine Caucus and his advocacy for not only legislation to help Ukraine but also for these reports which weekly have kept the war in Ukraine in front of the American people, which is so important as we think about how we continue support in our public for what is happening in Ukraine and this fight that the Ukrainians are so courageously waging.

I am also pleased to be here with my colleague Senator TILLIS, who, along with me, cochairs the Senate NATO Observer Group, because we are going to be voting this afternoon on ratification of the accession of Finland and Sweden to NATO. Together, we led a bipartisan delegation to Madrid last month, which included three Democrats and four Republicans, and we were able to visit Helsinki and Stockholm on our way into Madrid to talk about just why it is so important that Finland and Sweden are joining NATO.

I wanted to talk about both of these topics this afternoon because they are connected.

As Senator PORTMAN said, there is a reason why Finland and Sweden, after decades of maintaining neutrality, are looking at joining NATO. It is because of this unprovoked, brutal war by Russia against Ukraine. If they are successful in Ukraine, we don't know where that will end, so we need to make the connection for people.

A year ago, no one would have thought that Sweden and Finland would have wanted NATO membership, but, of course, a lot has happened in that year.

Vladimir Putin made one of the most consequential miscalculations in modern history. I think it is the biggest miscalculation in foreign policy since Hitler went into Russia in World War II. He went into Ukraine to wage this unprovoked, premeditated war upon the people of Ukraine. Part of his rationale was to talk about NATO and his opposition to Ukraine's joining NATO but also because he thought he would be able to stall the enlargement of NATO. He thought he would be able to split the NATO allies. In fact, just the opposite has happened. The global response to punish Putin for this war in Ukraine is unprecedented. Putin's barbaric campaign in Ukraine and threats to democracy around the world have resulted in the strongest iteration of NATO to date.

And now here we are. The United States is about to welcome two very capable, very qualified and deserving members into the alliance, which will further strengthen our global coordination to preserve our rules-based order.

I have spoken before in this Chamber about the strong bipartisan support for

Finland and Sweden's NATO membership. When Sweden and Finland announced their intent to apply for NATO membership, Senator TILLIS and I led a letter to President Biden that within about 24 hours was cosigned by 80 of our colleagues, all pledging to support swift ratification of the accession protocols.

Just last month, Senator TILLIS and I led that delegation to Madrid to the NATO summit, and we did it at the request of both the majority leader, SCHUMER, and the minority leader, MCCONNELL.

When meeting with our allies and partners, we talked about our commitment to return to the Senate and to work hard to swiftly ratify the accession protocols, and we have done just that. We had hoped to be the first body to do that ratification. We are going to be the 22nd, which I think is very good news for NATO and for the effort to ensure that Finland and Sweden become members of NATO.

On July 19, the Senate Foreign Relations Committee, on which Senator PORTMAN and I sit, unanimously voted in support of NATO's accession protocols.

Today's vote is not just important for Sweden and Finland and for NATO, but it is also important for Ukraine, as Senator PORTMAN laid out. The Ukrainian people are on the frontlines of a war for democracy and for our collective shared values—values that underpin the heart of the NATO alliance. Sweden and Finland's membership will bolster our efforts to hold Putin to account as he wages this war to eradicate Ukrainian culture.

Putin's decision to invade Ukraine affirmed what we have long known—that Vladimir Putin does not respect the distinct history, culture, and identity of the Ukrainian people. His view of history, of course, is false. It is distorted, and it is deadly. His unprovoked war in Ukraine is a manifestation of his delusional ideas and his blatant attempt to wipe Ukraine off the map of Europe. But despite the challenges to their sovereignty, for generations, the Ukrainian people have maintained their own traditions, their own language, and their own dream of independence.

Putin is waging propaganda campaigns that seek to justify his goals to the Russian people. He has deployed deliberate, harmful rhetoric of ''de-Nazifying'' Ukraine. He is pursuing a broader, maniacal agenda to eradicate everything Ukrainian—the land, the people, the language, the culture.

We know that Russia established filtration camps in Russia and Ukrainian territory even before the February 24 invasion. Now reports are that there are over 1 million Ukrainians who have been forcibly relocated to Russia, including about 250,000 children—children who have been taken from their Ukrainian parents and sent to Russia.

We need to call Putin's actions what they are. They are acts of genocide. After the horrors of the Holocaust, the Rwandan genocide, Yugoslav wars, the international community vowed to ''never again'' let such immense human tragedy happen on our watch.

We must not let Putin accomplish his mission of destroying the Ukrainian people and dismantling the international rules-based order which has been in place for more than 70 years. We must hold him accountable because we know that if he is successful, Putin's Russification campaign is not going to end with Ukraine. Who will be next? The Baltic States? Eastern European countries? Romania? Poland?

As Americans, we have a moral obligation to work with our allies to hold Putin to account, and I am proud that this body is doing just that. Last week, the Senate Foreign Relations Committee, of which Senator PORTMAN and I are both members, introduced a resolution recognizing Russia's actions in Ukraine as genocide, but, of course, we must do more.

Today's ratification vote is going to be another step in sending a message to both Vladimir Putin and the Ukrainian people that NATO is unified and that we are going to continue to support their efforts to push back against this brutal dictator.

I hope that our colleagues will join us in celebrating today's important moment of NATO's enlargement from 30 to 32 members. This historic accession is a testament to the global commitment to not be bystanders amid a war that violates all international norms and seeks to destabilize our rules-based order. I hope that our remaining NATO allies will move swiftly to advance Sweden and Finland's NATO membership.

Amid Russia's horrific campaign of ethnic cleansing against the Ukrainian people, we must recognize the importance of our shared transatlantic values to push back on Putin's dangerous and bloodthirsty war against Ukraine.

Again, I am pleased that we are here to support both Ukraine and the ratification of Sweden and Finland into NATO. I am sure we will have a very strong bipartisan vote this afternoon, and I look forward to continuing to work with NATO and with our colleagues as we do everything we can to support the success of Ukraine against Vladimir Putin.

I yield to my cochair of the Senate NATO Observer Group, Senator TILLIS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, I want to thank my friend and colleague Senator PORTMAN for his work and his focus on Ukraine, and I want to thank my friend and colleague Senator SHAHEEN. It has been a real pleasure once we started up the Senate NATO Observer Group after it had been dormant for some time. Who knew that it could have been more timely several years ago when we began that process?

I was thinking—I have used this analogy before. I grew up in a family of six kids. We, even to this day, have our differences and disagreements. I have one sister I am pretty sure wouldn't vote for me if she lived in North Carolina. We are not ideologically aligned. But I know she loves me, and I know, when our family gets threatened, there is no difference between us.

That is what Vladimir Putin saw on February 24. He saw the family of nations in NATO come together like he couldn't possibly have imagined, and he saw two nations, Finland and Sweden, after decades of being nonaligned, saying: Enough is enough. Now it is time to pick between good and evil. And evil is Vladimir Putin, and good is Western democracies—Western democracies like Finland and Sweden which respect the rule of law, which respect the rights of their citizens, which respect the free press, which invest in their military, and which will be a net exporter of security the day they enter NATO.

As a matter of fact, they are already a very valuable asset to NATO. I have spoken with many of my colleagues in the Department of Defense, many people in uniform. They laud the relationship that they have with the military in Finland and Sweden. They work together on exercises. They know that Finland has a formidable ground force. They know that Sweden has a formidable navy that is going to give us added presence in the Baltics and added presence in the Arctic.

The worst possible scenario that Putin never anticipated was a completely unified NATO and the addition of 830 miles—1,340 kilometers—of NATO border right up against Russia. That is what he has gotten for his illegal invasion of Ukraine, and the blood of thousands are on Vladimir Putin's hands.

Now I want to talk a little bit about Finland and Sweden, but I also have to start with that letter. I remember vividly, Senator SHAHEEN, when we were meeting with Swedish diplomats and the Defense Minister, and we were saying: What can we do to send a signal to the people of Finland and Sweden that the United States is absolutely supportive of their accession to NATO?

And they said: Well, communications would be good.

And we said: Well, we will do a letter.

In 24 hours, we got 80 signatures. Now, the question would be, Why not the other 20? Quite honestly, we didn't take the time. Everybody that we went to signed on to the letter, but we thought it was important to get that communication out quickly.

Today, we are going to see more than 95 Senators—I think even more than that—vote for ratification because they understand that Finland and Sweden are investing in their military. They understand that Finland is already at 2 percent and continuing to invest. They know that Finland has already put on order 64 F–35 Joint Strike Fighters.

Why is that extraordinary? Finland is about half the population of my

State, North Carolina, about 5½ million people. They have on order 64 Joint Strike Fighters. We have fewer than 200 in full operation here in the United States. If we, on a per capita basis, were to have as many Joint Strike Fighters as Finland intends to have, we would need more than 4,000.

Now, let's talk about Sweden. Their industrial base is extraordinary. They have advanced fighter technology. They have advanced submarine technology. They have an industrial base that can be mobilized. They have an industrial base that is already developing platforms that are NATO interoperable.

When they come in, they are not going to have to do some sort of NATO 101. They are going to get to work. They are going to continue the work they are already doing.

And, in Sweden's case, there are some members here concerned about burden sharing and hitting the 2 percent mark. When we were in Stockholm, we talked about this. When we met with the diplomatic and Defense Ministers, we talked about this. They are on their way. They are committed. Their government officials are committed to getting to 2 percent funding, and thank goodness.

Maybe that sends a message to some of our other NATO countries that they need to get up there. If anything, Ukraine has taught us that we have to be ready, and we have to be at that level of burden sharing.

But I am not in the least bit concerned with Finland and Sweden meeting their target. They are going to do it, and they are going to do it on short order. I believe that Sweden will be there by 2027, early 2028.

So now, we have to move forward. Now, I am also being a little bit competitive. I am disappointed that we weren't the first nation, but I am also very optimistic. I am thrilled that so many nations have already recognized how valuable they will be as full-fledged NATO allies. So we are going to be 22nd, but we are doing it in record time. Everybody knows here that I describe this place as a ''Crockpot.'' It takes a long time to cook something in the U.S. Senate.

For us to do this in less than a month is absolutely extraordinary, and I hope that the people of Sweden and the people of Finland recognize that that is because the U.S. Senate has full confidence in them. We welcome them readily, and we look forward to their accession. This step in ratifying the treaty is a great step. So I encourage all of our Members to consider voting for Finland and Sweden.

The last thing I will leave you with is that there are some here who say: Well, we can't really worry about Russia. We have to worry about China.

We have to worry about both, and NATO is worried about both. If you look at the strategic concept that came out of Madrid, you should also recognize that there were four countries from INDOPACOM that were at a NATO summit. They recognize that we have to look at China and recognize the threat. But they also recognize that we have an immediate threat in Europe, and we have to stand together.

With NATO, I am very proud of how the partners came together, and with Sweden and Finland, I am going to be even more proud of our alliance when they are full-fledged members. And we are going to work as hard as we can as members of the Senate NATO Observer Group to make sure that the remaining countries follow suit quickly so that we can welcome both of these great nations into the greatest alliance that has ever existed.

Mr. PORTMAN. Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, I rise today to discuss American national security and the decisions that we must make to keep this Nation safe.

The Senate will vote today on whether to expand NATO by admitting Sweden and Finland. I intend to vote no, and I encourage my colleagues to do the same, and I want to say a word or two as to why.

Finland and Sweden want to expand NATO because it is in their national security interest to do so, and fair enough. The question that should properly be before us, however, is, ''Is it in the United States' interest to do so?'' because that is what American foreign policy is supposed to be about, I thought.

It is about American security, protecting American workers, defending American jobs, and securing American prosperity, and I fear that some in this town have lost sight of that. They think American foreign policy is about creating a liberal world order or nation building overseas. With all due respect, they are wrong. Our foreign policy should be about protecting the United States, our freedoms, our people, our way of life, and expanding NATO, I believe, would not do that.

Listen, we should tell the truth about the consequences of the decision that we are going to take today. Expanding NATO will require more U.S. forces in Europe—more manpower, more firepower, more resources, more spending—and not just now but over the long haul.

But our greatest foreign adversary is not in Europe. Our greatest foreign adversary is in Asia, and when it comes to countering that adversary, we are behind the game. I am talking, of course, about China. The communist government of Beijing has adopted a policy of imperialism. It wants to dominate its neighbors, dictate to free nations. It is trying to expand its power at every opportunity, and that includes power over the United States.

Beijing wants power over our trade, over our jobs, over our economy. They want us to come to them and beg for market access. They, ultimately, want to reign supreme as the world hegemon, the world's sole superpower.

And, listen, Chinese leaders have said it themselves. This is no mystery. Beijing wants a world in which the United States—and all other nations, for that matter—are forced to bow before China's might. It is their stated ambition.

This would be a world in which the Chinese Government and its proxies would touch every aspect of our lives, from Chinese goods dominating our markets, to Chinese propaganda flooding our airwaves, to Chinese money and influence corrupting American politics.

This would be a world in which China would be free to expand its use of slave labor and to double down on its global campaigns of repression. That is the world that Beijing wants, and the truth is we are not now in a position to stop them.

Let me say that again: The truth is we are not now in a position to stop them. That is a hard truth, but it is the truth, nonetheless, and the American people deserve to hear it. Our military forces in Asia are not postured as they should be.

The commander of our forces in the Indo-Pacific has testified to this on multiple occasions. We do not have the weapons and equipment we need in the region. We don't have enough advanced munitions. Sealift and airlift are far short of where they need to be. Attack submarines are some of the most important assets we have in Asia and Europe, but they are already in short supply and the fleet is sinking.

On top of all of that, we do not yet have a coherent strategy for stopping China's dominance in the Pacific, beginning with the possible invasion of Taiwan, and we are not committing the attention and resources we need to develop and implement that strategy.

Why aren't we prepared to do what we need to do in Asia? Well, because we have been distracted for too long—for decades—by nation-building activities in the Middle East and by legacy commitments in Europe.

So now, the choice is this: We can do more in Europe, devote more resources, more manpower, more firepower there, or—or—we can do what we need to do in Asia to deter China. We cannot do both. We cannot do both.

The Chief of Naval Operations recently testified that the joint force is simply not sized to handle two simultaneous conflicts. That is the reality. Both the 2018 and the 2022 national defense strategies—which were developed, I might point out, by different administrations of different political parties—reached the same conclusion.

We have to choose. It is not enough to simply say that China is the pacing threat or to say that the risk to Taiwan is real. We must do something about it. We have to prioritize. We have to focus, and that means we have to do less in Europe in order to prioritize America's most pressing national security interest, which is in Asia, with regard to China.

Now, this isn't to say that the United States should abandon NATO, but it is to say that our European allies really must do more. They must take primary responsibility for the conventional defense of Europe and rely on U.S. forces for our nuclear deterrent and select conventional assets.

And this is not just so that America can focus on China, although that is of overriding importance to us. No, this is also about NATO's future. European allies have to step up now or risk leaving NATO exposed if the United States and our forces are pulled from Europe into a conflict in the Pacific.

Every European ally must make necessary investments now for today's threat environment or risk the worst, but NATO isn't doing that. Our European allies are far from where they should be. You know, NATO states agreed years ago, back in 2006, to spend at least 2 percent of GDP on defense, but many NATO members still haven't met that pledge. Meanwhile, the NATO Supreme Allied Commander in Europe testified a few weeks ago that our allies need to spend more than 2 percent just to meet existing—existing—ground force requirements, which brings us back to Sweden and Finland.

Both countries are longtime NATO defense partners and strong opponents of Russian imperialism. Both occupy important geography. They are also advanced economies with capable militaries, and I respect all of that. But Finland and Sweden's admission would also bring distinct challenges. Sweden still isn't spending 2 percent of GDP on defense, and it doesn't plan to until at least 2028. Finland has announced a one-time defense spending boost, but it is not clear whether it will sustain those higher investments, which, again, are the minimum investments needed for NATO.

Now, some say we shouldn't worry about any of this. Some say Finland and Sweden can defend themselves and won't require anything through the United States or our NATO allies. But if that were true, why join NATO?

The truth is, both countries want NATO's help defending themselves. That is why they are applying for membership—and fair enough. But because so many current NATO allies have spent years underfunding their militaries, it will be the United States that will be asked to send forces to help defend Sweden and Finland in a time of crisis. Even absent a crisis, NATO expansion will mean more U.S. forces and U.S. firepower in Europe for the long term.

Now, if we want to make NATO stronger, the right course is to increase the amount that member states spend on their own defense—say to 2½ percent—and press our European allies to take primary responsibility for Europe's conventional defense. But this administration—it is going in exactly the opposite direction. They had the chance to push for greater European military spending and investment at the recent Madrid summit. They didn't do it. Instead, the Biden administration has committed the United States to massive spending in Ukraine, far outpacing our European allies, even as they surged tens of thousands of troops into that region, apparently for good.

Now, some say expanding NATO will allow the United States to do less in Europe. I wish that were true, but how can it be when NATO is overdependent on American support right now? How would increasing NATO's security needs somehow magically enable the United States to do less? The fact is, NATO expansion will generate new requirements. Sweden has already asked the United States to increase its naval presence in the Baltic area, for example.

Now, make no mistake, expanding NATO means expanded obligations for the United States in Europe. That is the nature of a security commitment.

Some say we need to expand NATO in Europe to deter China in Asia. But China isn't going to be deterred by the number of our commitments in Europe; China is going to be deterred by our power to deny their imperial ambitions in Asia. That is it. That is the whole ball game.

We cannot strengthen our deterrent posture in the Pacific if we are sending more forces and resources to Europe to defend new allies. That is the bottom line.

Finally, some say we can't beat China by retreating from the rest of the world, but I am not arguing for retreat, and I am not arguing for isolation. What I am arguing for is an end to the globalist foreign policy that has led our Nation from one disaster to another for decades now. What I am arguing for is the return to a classic nationalist approach to American foreign policy, the one that made this country great; a foreign policy that is grounded in our Nation's interests and in the reality of the world as it is, not as we wish it was or not as we once hoped it would be.

In years past, NATO was a bulwark against an imperial Soviet Union. Today, the world's greatest imperial threat is in Asia, and the hour to address that threat is growing very late.

We owe the American people this truth. We owe them a clear accounting of facts. We owe them the courage to make tough choices. Today, I submit that means voting against expanding NATO and focusing where we must, to do what we must, to deter an imperial China. This isn't an easy vote, to be sure, but it is the right one for our security, for our prosperity, for our people, for our Nation.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The senior Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today in support of Finland and Sweden's application to join NATO. I give my strong support to this application.

I disagree heartily with our colleague from Missouri. I know you know, Madam President, having worked on this issue, as I have—having visited these countries, we know how important they are to Minnesota and Wisconsin.

Minnesota has a special bond with the Kingdom of Sweden and the Republic of Finland, and at the core of this bond, at the core of the bond between our country and these countries, is shared values—values of democracy, values of freedom.

Yes, we have challenges—of course we do—in Asia, but I happen to believe that when you are a great power like the United States of America, you can do two things at once.

Let's look at what these countries add to our security by joining NATO.

First of all, Finland is over 2 percent of their budget on military. Sweden is increasing their budget on military. Both nations have professional militaries. They have strong and transparent economies, and mostly they believe in human rights—in freedom, in liberty, and equality. They believe in democracy.

I will note specifically that Finland has added an extra $2.2 billion in defense spending this year. Greece and Poland and Lithuania and Latvia and Estonia and Slovakia and Croatia and the United Kingdom—above 2 percent.

So let's get the facts straight here, and let's talk about what these countries will add to our security.

We are at an unparalleled moment in history. Since Vladimir Putin's cruel, unjustified invasion of Ukraine, people all over the world have been waking up out of a 2-year plague, out of a slumber, to realize just how fragile our democracy is.

We realized it here in this building when, not so long along, insurrectionists invaded this Chamber. We didn't just sit back and say: Well, there goes our democracy. We stood up. We stood up, Democrats and Republicans, in this very Chamber.

When President Zelenskyy of Ukraine took to the streets the minute that this invasion started and looked at a video camera and said: We are here, he was saying that to his own people to give them the courage to stand up against the inhuman barbarism of a dictator, but he was also saying it to the rest of the world.

We see it on Ukraine's frontlines, where everyday people took up arms and are taking up arms to protect their country. It sent a warning shot to tyrants around the world who believe that free democracies are just up for grabs. Ukrainians have shown their true colors in bright blue and yellow, which just happen to be the colors of Sweden. They have shown their true colors, and they are showing the world what courage is all about.

Having been in the last group of Senators from this Chamber who met with leaders in Ukraine just a few weeks before the war started, I can tell you

this: The people of Ukraine want to choose their own destiny, and the moral flame they have lit across the world will not be doused.

Russia's unprovoked aggression in Ukraine has changed how we think about the world's security. That is why I strongly support the decision of these two great democracies, Sweden and Finland, to join the most important and defensive alliance in the world—NATO.

When President Biden met in May with Finnish and Swedish leaders about their application to join NATO, he said the people of Sweden and Finland—he said to them that they ''have the full, total, and complete backing of the United States of America.'' We supported that. The Senate Committee on Foreign Relations echoed its support with an overwhelming bipartisan vote just last month. Our leaders support this pact.

By joining NATO, allies made a sacred commitment to one another that an attack on one is an attack on all. The only time in history this has been invoked was after 9/11, when the United States was attacked, and all our allies rallied to our side. As Americans, we have never and will never forget that.

In June, we celebrated the anniversary of the end of World War II in Europe. NATO was formed in the wreckage of World War II. When President Truman signed the North Atlantic Treaty, he expressed the goal of its founders ''to preserve their present peaceful situation and to protect it in the future.'' And for decades, it has been crucial to upholding that peace.

Now, 73 years later, NATO is as important as ever, and the recent decisions made by our great friends, the great countries of Sweden and Finland, are a testament to the continued promise of this alliance.

As Swedish Prime Minister Andersson said in May:

> With Sweden and Finland as members, NATO will also be stronger. We are security providers with sophisticated defense capabilities.

That is correct.

> And we are champions of freedom, democracy, and human rights.

That is correct.

As Finland's leaders, President Niinisto and Prime Minister Marin, also said:

> NATO membership would strengthen Finland's security. As a member of NATO, Finland would strengthen the entire defense alliance.

I had the honor of being on a panel at the Munich Security Conference with President Niinisto, and I saw firsthand his commitment to the democracy in Finland and to the democracy all over the world.

Finland and Sweden are already among our closest partners on a range of issues. They are already important contributors to the international community, including in the United Nations, the Organization for Security and Co-operation in Europe, and other international organizations.

Finnish and Swedish troops have already served shoulder to shoulder with U.S. and NATO forces in Kosovo, in Bosnia.

In 1994, Sweden and Finland joined NATO's Partnership for Peace program, strengthening our official relationship and coming one step closer to being a full-fledged NATO member.

NATO, Finland, and Sweden have partnered together on securing the Baltic Sea region through regular conversations and exercises—a practice that will be even more important now.

In 2018, Finland, Sweden, and the United States signed a trilateral agreement to deepen defense cooperation and promote security in Northern Europe.

Both Finland and Sweden are already working in coordination with the United States and other allies and partners to support brave Ukrainians standing up to Vladimir Putin.

Sweden has responded to Russia's bombing of maternity hospitals with millions of dollars of support and helmets and body shields, as well as billions for the refugees flowing from Ukraine. Finland has sent military aid, including thousands of assault rifles and 70,000 ration packages, and has offered millions of dollars in humanitarian aid.

Both nations also have the potential, as I noted, to bring huge assets to this alliance, not, as my colleague from Missouri implied, to somehow make things harder. Are you kidding? Maybe he hasn't seen these countries. I have.

Finland, after fighting its own territorial wars with the Soviet Union, has a reserve force of 900,000 strong. Sweden has built its own fighter jets. Both countries recently announced upcoming expansion and reform of their militaries.

As the Arctic region, which holds increasing importance for U.S. and European security, sees encroachments from Russia and China—may I add to my colleague from Missouri—Sweden and Finland are poised to help NATO confront these challenges.

I am here to give my full support for Sweden and Finland entering NATO. As we made clear, we stand with Sweden, we stand with Finland, and we stand with democracy.

Russia's war in Ukraine—a full-scale, unprovoked, and premeditated war against a sovereign and democratic country—has changed Europe and the world, but it has also demonstrated the importance and resilience of our transatlantic alliance. We have all witnessed the bravery of the Ukrainian people as they fight for their lives, and we are proud to stand with them.

This is about the future of political freedom, economic freedom, technological freedom, and, yes, democratic freedom.

Finland and Sweden taking the step of NATO membership will not only strengthen their own security but the cause of freedom in Europe and around the world.

I would say, when things are tough, we keep our friends closer, and I believe that this strong NATO and the inclusion of Sweden and Finland will actually help us with the rest of the world, not just with this conflict in Ukraine.

So I ask my colleague from Missouri, who is not here right now, to consider that as we look at our alliances and how we deal with China. We must strengthen our trade alliances. We must strengthen our military alliances. Certainly, including Finland and Sweden as a member of NATO is one big positive step.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Arkansas.

Mr. COTTON. Madam President, today, the Senate exercises one of our unique and most important constitutional responsibilities: debate and ratification of a treaty.

The NATO accession treaty for Sweden and Finland is the most consequential kind of treaty because it commits America to the mutual defense of another country. We commit, along with our NATO partners, to come to Sweden's and Finland's defense if they are attacked, just as Finland and Sweden will come to our defense if we are attacked. It is a weighty matter, indeed.

I want to explain why, if one honestly considers all the circumstances and weighs all the evidence, I don't believe this is a close debate at all.

If Finland and Sweden join NATO, the alliance will unquestionably be stronger. The risk of war and of America being dragged into war will decrease in Europe, and Vladimir Putin's unprovoked war of aggression against Ukraine will backfire in another significant, lasting way.

I note at the outset how unusual this moment is. Finland and Sweden are historically neutral countries. Sweden has refrained from joining military alliances since the days of Napoleon. Once Finland obtained independence a century ago, it also charted a course of neutrality, even after the Soviet Union invaded Finland during World War II.

Now these historically neutral countries have petitioned to join NATO. Why? Sweden and, especially, Finland have always lived closer to the bear's den, and thus had a different relationship with Moscow than we do. But now the Russian bear is rampaging, mauling a sovereign country on its borders that is not in the ranks of NATO. Finland and Sweden naturally want to avoid Ukraine's fate. They concluded, reasonably enough, that there is strength in numbers, and they are right about that.

If I were sitting in Stockholm or Helsinki, I would want to join NATO, too. But we are here in the United States Senate. What matters to us—what should matter to us—is what is in it for us. Much as we may esteem the Finns and the Swedes—and we should; they are great people—we need allies who enhance our common defense, not ones

who detract from it, allies who can pull their own weight and then some.

Military alliances are not charities, but Finland and Sweden aren't charity cases. They bring into NATO their well-trained and well-equipped militaries, technologically advanced economies, and vital geography.

In particular, Finland is a country of warriors, with a long and proud tradition, to put it bluntly, of fighting and killing Russian invaders. In 1939, Russia launched an unprovoked war of aggression—odd how Russia keeps doing that—against Finland, in what has become known as the Winter War. Few observers gave small Finland a chance, but the outnumbered and outgunned Finns shocked the world—not least Stalin and the Russian communists—by matching the Red Army blow for blow.

Ever wonder where the term ''Molotov cocktail'' comes from? The Finns gave it to us. What they lacked in antitank weapons, they made up in grit and courage. Finnish soldiers rushed Soviet tanks and dropped the bottle bombs inside them, and they named the cocktail after Russia's deceitful Foreign Minister for good measure.

Then there is the legendary sniper Simo Hayha, who killed an estimated 500 Russian soldiers, among the highest number of confirmed sniper kills ever recorded in combat. He entered into the history books better known by his well-earned nickname, ''White Death,'' which also happens to be what every Russian general to this day fears from another tangle with the Finns.

The Finns also haven't forgotten the lessons of the Winter War. Still today, every adult Finnish man must fulfill a period of national service. Almost all of them choose the military. Finland has a 900,000-man reserve it can draw on in times of crisis and can field an army of 280,000 when fully mobilized. Finland's reserves are larger than the reserves of France, Germany, and Italy—combined.

Finland has firepower in addition to manpower. According to scholars at the Foundation for the Defense of Democracies, Finland has one of the strongest artillery forces in Europe, with more rocket launchers and howitzers than France, Germany, or the United Kingdom. It has a strong fleet of fighter jets and plans to buy 64 American-made F–35s by the end of the decade.

For its part, Sweden is an economic and industrial powerhouse that will add muscle to the alliance. The Swedish Navy is an effective force with advanced warships and submarines. The Swedish firm Saab produces some of the world's finest fighter aircraft, radar systems, and weapons. In conjunction with the British, the Swedes manufacture the NLAW anti-tank missile, which is second only to the Javelin in killing Russian tanks in Ukraine. I would also add that the Swedish firm Ericsson, along with the Finnish firm Nokia, are among the world's few alternatives to China's Huawei for advanced 5G telecommunications hardware.

Finally, I should note that Finland and Sweden, unlike too many of our European allies, are putting their money where their mouths are when it comes to their defense. Following Russia's invasion of Ukraine, Finland boosted defense spending by 70 percent and will spend more than 2 percent of its total economy on its military this year. Sweden is in the middle of doubling its defense spending and plans to reach that 2-percent goal no later than 2028.

For these reasons alone, Finland and Sweden are not only worthy additions to the alliance but, indeed, will become two of the strongest members of the alliance from the moment they join.

But that is not all. They also add key geographic advantages to our alliance.

First, the Swedish island of Gotland is an unsinkable aircraft carrier in the middle of the Baltic Sea—fewer than 200 miles from the Russian exclave and military base in Kaliningrad. He who controls Gotland controls the Baltic, which is why Russia tried to seize Gotland in the 19th century and why Sweden garrisoned the island during the Cold War. In the event of a conflict with Russia, NATO forces on Gotland could prevent the Russian Navy from transiting the Baltic Sea freely or from resupplying Kaliningrad by sea. Gotland-based forces would also make it easier to relieve the Baltic States by sea and air in the event of a Russian invasion.

Second, Finland controls the northern shores of the Gulf of Finland, through which Russian ships must pass to reach St. Petersburg, Russia's second largest city. Our NATO ally Estonia already controls the southern coastline of this long and narrow waterway that is not even 30 miles wide at its smallest point. By adding Finland to the alliance, Russian naval operations through the gulf would become even more difficult.

Third, the Danish Straits would also become, in effect, NATO waters. Russia's Baltic Fleet must pass through this strategic chokepoint to get in or out of the Baltic. Denmark, a NATO ally, controls the southern and western portions of the straits. Sweden controls the northern and eastern shores. By adding Sweden to the alliance, we further complicate Russia's naval operations.

Fourth, the 800-mile border of Russia and Finland rightly complicates Russia's war planning and defense in the event of conflict. In fact, this border would more than double the amount of border that Russia must defend. Finland will also threaten Russia's major military installations in the Kola Peninsula, where Russia's largest and most advanced naval forces are positioned to break out into the Atlantic and threaten the United States.

So aside from their military strength and economic power, Finland and Sweden also allow us to turn the Baltic into a NATO lake, bottle up Russia's Baltic Fleet, cut off its isolated military base at Kaliningrad, and expose Russia itself to much greater risk in the event of a conflict.

All things considered, then, one might contend that Finland and Sweden are the strongest candidates to join NATO since its origin in 1949. We will soon see that most Senators agree, when we vote later today.

And, really, how can one disagree? After all, the last countries to join NATO, Montenegro and North Macedonia, were each approved by the Senate with only two ''no'' votes. Those countries brought their own case for accession to NATO. But let's be honest. Who can deny the much stronger cases for Finland and Sweden, countries that are far larger and far more capable and far more strategically situated?

It would be strange indeed for any Senator who voted to allow Montenegro or North Macedonia into NATO to turn around and deny membership to Finland and Sweden. I would love to hear the defense of such a curious vote.

But since some observers have criticized their bid for membership, let me address those arguments now.

The most basic argument isn't really directed at Finland or Sweden, but at NATO itself. Some critics say America shouldn't pledge to protect countries halfway around the world, but these critics are seven decades too late. We are already treaty-bound to defend more than two dozen nations in Europe. Whether we support this treaty today or not, we will still be treaty-bound to defend those nations. So the real question today is whether adding two capable and strong nations to our mutual defense pact will make us stronger or weaker. The evidence I have shared demonstrates that adding Finland and Sweden will indeed make it stronger, more likely to deter Russian aggression and to defeat Russian aggression, should it come.

Next, some opponents contend that admitting Finland, in particular, is a liability because the United States would be committing to the defense of its 800-mile border with Russia. This argument is both alarmist and backward. It is alarmist because Russia hasn't attacked a NATO member in its more than 70-year history, even as it has attacked many non-NATO countries. Given the Russian Army's pitiful performance in Ukraine, they will be in no shape to break with that record any time soon. And of all European nations, Finland is probably the least likely to be attacked by Russia after the searing trauma of the Winter War. ''White death'' is a strong deterrent.

Moreover, these critics are thinking about this issue backward. As I said earlier, it is Russia that has to worry about its long border should it attack our allies. NATO is a defensive alliance. It always has been, always will be. Neither Finland nor any other NATO country has any plan or desire

to invade Russia. But should Russia ever be tempted to attack NATO, the Finnish border creates nearly insurmountable war-planning dilemmas for the Russian general staff. To borrow what U.S. Grant told his commanders about Robert E. Lee, rather than worrying about what Russia might do at Finland's border, Russia should be worried about what NATO would do if Russia attacks us. Putin seems worried, after all. He blustered and threatened consequences if Sweden and Finland sought NATO membership, but he meekly acquiesced once they did.

Still, other critics say our main strategic focus should be on China, not Russia. I agree. China is the greatest long-term threat to the United States, but admitting Finland and Sweden to NATO enhances our common defense, especially our defenses in Europe. A NATO that is stronger militarily, economically, and geographically in Europe is a NATO that needs to lean less on American power. We ought to welcome strong, capable allies in Europe who can free up the American military to focus more on the Pacific theater. That is doubly true when those allies have key companies, like Ericsson and Nokia, that can also help us beat China in the global technology race.

Others have objected that the majority of NATO members are currently failing to pay their fair share toward our common defense. I agree here too. I am tired of freeloading, grandstanding friends. But how is that a criticism of Sweden or Finland? As I said, Finland already pays its fair share, and Sweden has charted a clearer path there than have many current NATO members, and both nations are doing so for a reason more durable than diplomatic sweet talk—perceived danger.

Some claim that expanding NATO will provoke Russian aggression, but the fact is, NATO expansion is the result, not the cause, of Russian aggression. Countries are banging on NATO's door because of Russia's behavior. Indeed, Russian aggression is the cause of today's debate. As I mentioned earlier, Sweden and Finland have long histories of neutrality. Vladimir Putin's violence toward his neighbors has now made that neutrality untenable in their minds.

Finally, a few critics of NATO expansion love to quote the words of George Washington's Farewell Address. It is true our first President warned against ''permanent alliances,'' and he recommended ''as little political connection as possible'' with other nations. That advice was well-suited for a young, weak Republic in 1796. Yet Washington didn't stop writing where these critics stopped reading. That great statesman foresaw a future when America would gain strength, stand up, and assert itself.

Washington continued:

With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

We have gained, since Washington's time, the command of our own fortunes. One of the pillars of our strength in modern times is our network of allies and partners in the Old World. These beachheads and lodgments of freedom help us keep the awful power of modern war at a distance. Finland and Sweden are two such nations. They have asked to join our mutual defense alliance, and they are worthy partners.

I urge my colleagues to grant their request, ratify this treaty, and welcome two more strong beachheads and lodgments into the North Atlantic Treaty Organization.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Madam President, to the speaker who has just finished speaking, before he leaves the floor, he and I share the same initials, TC, and in this case, we share the same views on an important issue. It is great to have the TCs—the Tango Charlies—speaking from the same hymn book.

On a lighter note, some of the conversation here today is pretty serious. This is a serious matter, but I want to make it, maybe, a little bit lighter.

I am reminded today of the words of Harry Truman, our former President, who used to say that the only thing new in the world is the history we forgot or never learned. The only thing new in the world is the history we forgot or never learned.

I want to take, if you will—as Presiding Officer knows, every Tuesday, we have our caucus lunch, and the Republicans have theirs. Unfortunately, we don't dine together enough. But, at our caucus lunch, we have a history moment or a history minute—maybe a minute or 2. It is always one of the highlights, frankly, of the time we spend together. And I want to just look back a little bit in time as we take up, today, an issue that is right before us.

As it turns out, the first Swedes and Finns came to America about 384 years ago. They themselves were from a place called Kalmar, Sweden. At the time, as we have heard from others who have spoken, Sweden and Finland were the same country. There was no Finland. All the Finns lived in Sweden, and they continued to live in Sweden for a good long time. I think the Swedish lived—1809. In 1809, the Swedish rule over Finland officially came to an end, and Finland separated from Sweden.

But when the two ships, the *Kalmar Nyckel* and the *Fogel Grip*, set sail from what was then Sweden, across the Atlantic Ocean toward the Western Hemisphere, they got close to land and ended up sailing north into what later would become the Delaware Bay. They sailed further north into what would become the more narrow channel of the Delaware River. They continued to sail. They didn't go as far up as what is now Philadelphia, but they came across an uncharted river that went to the west. It was kind of a left turn off the Delaware River to the west. They sailed for about a mile, maybe a mile and a half.

They decided that they would put down their anchors, and there was a bunch of rocks—big rocks—along the side of that river. They put down their anchors and declared that spot to be the colony of New Sweden. It is what is now Wilmington, DE—the colony of New Sweden. They raised their flag and said: This is where we are going to make our stand.

That was, I think, maybe the first European colony, at least in my State, that was created. Later, it was taken over, I think, by the Dutch and then by, maybe, the British. But, initially, it was the Swedes and the Finns who colonized that spot.

Delaware has one of the newest national parks in America, and it is a different kind of national park. It tells the story of Delawareans who were involved in the earlier history of the settlement of our country in leading up to the ratification of the Constitution on December 7, 1787, which took place in Dover, DE, our State capital, and Delaware became the First State. For 1 whole week, we were the entire United States of America. Then we opened it up and let in Maryland and Pennsylvania and 47 or so more, including Wisconsin. I think, for the most part, it has turned out pretty well. We have had some bumps in the road as the Presiding Officer knows.

The colony of New Sweden was in place for probably about 20 or 25 years. Then the Dutch took over, and then the British sort of took over the region in 1664. When the Dutch created the colony of New Sweden in what is now Wilmington, DE, they also built a church. They built what is now known as Old Swedes Church. We have got a lot of churches in this country and a lot of different faiths. The Old Swedes Church is believed to be, maybe, the longest continuously serving church in America.

How is that for history?

It is part of our national park that we created. We had somebody working on it for years, and we created it a decade or two ago. Old Swedes Church is still there; it is still doing the Lord's work.

This is a beautiful, beautiful picture. This is the *Kalmar Nyckel* at full sail. This is one of two ships that brought the Swedes and Finns to America—all 384 years ago. This is the Swedish flag over here, and this is the Delaware flag over here. The *Kalmar Nyckel* literally has a permanent place to be maintained and anchored along the Christina River.

I went to the Biden Station this morning to catch the train to come down here, as I do most mornings. If I had just not gotten on the train and

had headed down the river for about a mile, I would have come to this ship right on the Christina River. It has set sail many places around the world. It is really the ship that represents our State, which used to be the colony of New Sweden.

We all get to meet people from different places around the world, and I have been privileged to meet a lot of Swedish Americans. It turns out that there are more Swedish Americans than there are Swedes in Sweden. Let me say that again. There are now more Swedish Americans than there are Swedes in Sweden. There are a bunch of them, and they contribute to our country and certainly to our State in many, many different ways. I work a lot on economic development and always have as Governor and even now, and some of the finest businesspeople I have ever met are Swedes, of Swedish extraction.

I have a funny story, if I could. Every 25 years, the King and Queen of Sweden come to revisit the colony of New Sweden, and we have a big celebration for a couple days right along the banks of this river, the Christina River. By the way, all those years ago, when the first Swedes and Finns came ashore, they named the Christina River after their child Queen, who at the time was—you won't believe it—12 years old, 12 years old. Imagine peaking at the age of 12 and becoming a Queen or a King. Of course, the Christina, that river, is named after her.

I like to point out to women who are named Christina—I tell them that their heritage, their name, actually goes back to all of those years when the first Swedes and Finns came here and helped to settle our country.

Anyway, once every 25 years, the King and Queen of Sweden come to visit us. In 2013, King Carl XVI and Queen Silvia of Sweden came to Delaware for several days. We had a huge celebration on the banks of the Christina River, and I had the privilege of sitting next to the Queen during dinner. It was a big banquet with hundreds of people in black tie. It was a beautiful evening with great music and wonderful speeches. And she and I just had a delightful time talking over dinner.

We talked about the arts. I like films, and I believe the Presiding Officer is a big film buff. One of my early favorite directors is Ingmar Bergman, a Swede, who made great films for many, many years. We talked about his films and the films that actually touched our lives and helped shape our lives. We talked about music. We talked about music.

I said to the Queen of Sweden: Your Highness, I don't know where I got this, but for some reason, I make the connection between you and the singing group ABBA.

Now, Ingmar Bergman is one of the greatest film directors of all time. ABBA, a Swedish singing group, is, I think, maybe the top-selling singing group in the history of the world. They actually still record from time to time.

But, anyway, I said to Queen Silvia: Is there any connection between ABBA and you and your husband? Is there?

She said: Well, there is.

I said: Well, what is it?

And she said: The night before we were married in Sweden, there was a huge celebration and a concert, an outdoor concert, with tens of thousands of people.

She said: The headline group for the concert was ABBA.

I said: No kidding? Did they sing?

And she said: That was the night they debuted the song ''Dancing Queen.''

It is, maybe, one of the best pop songs I have ever heard. I won't say that we sat there and hummed a few bars, but maybe we did.

We have a lot in common with the Swedes and the Finns. We share a lot of likes and, really, very much appreciation, if you will, of the arts and of film, including music. We are a country that prides itself on our free enterprise system, but we know how to do it with a heart. So do the Swedes.

Look up the term ''no-brainer.'' You won't find it in the dictionary, but if you look up the term ''no-brainer,'' it would say: this vote today and the issue that is before us.

Why in God's name wouldn't we want the Swedes and Finns to join us together?

LISA BLUNT ROCHESTER is our Congresswoman. We have only one. She is our Congresswoman. In Delaware, she has a saying that she talks about: Sticks tied together can't be broken. Sticks tied together can't be broken.

With one stick—phew—you are going to break it; but if you pile a bunch of them together, you can't break them. The same is true here. The same is true here. The admission of Finland and the admission of Sweden into NATO makes that band of sticks even stronger and that much harder to break.

I am just delighted that we have an issue where there has been a fair amount of dissension in these Halls, and I am delighted that we have something, I think, we can all pretty much—almost all—agree on. It is a good thing, and it will be good for our country. It is going to be good for Sweden, and it is going to be good for Finland. I think it is going to be good for our planet. Those of us who are privileged to live in what used to be the colony of New Sweden couldn't be happier, and we are delighted to celebrate.

To anybody who is listening who says: Well, you know, I have never been to a national park in Delaware, well, we want you to know that we have one and that it is a great one that runs from one end of the State to the other. If you start up north, get off the train and walk about a mile, you will be at what used to be the home place, the starting place, of the colony of New Sweden.

With that, I think I have done enough damage here today. I yield to the fellow from Alaska. I don't know if he has spent a lot of time on ships or boats. I spent a few years as a Navy guy, but the marines spend a lot of time at sea. They take rides in our boats. We are on the same team. I usually say we wear different uniforms, but we are on the same team.

And, on this, we are on the same page, and it is great to be here.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Alaska.

Mr. SULLIVAN. Madam President, it is always good to follow my friend from Delaware, Navy Captain CARPER, who is a Vietnam vet, a naval aviator—the whole works. It is an honor to serve with him on the EPW and other committees. So thank you to my good friend from Delaware.

AMENDMENT NO. 5192

Madam President, I call up my amendment No. 5192 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 5192.

The amendment is as follows:

(Purpose: To provide a declaration to the Protocol)

In section 2, strike paragraph (6) and insert the following:

(6) SUPPORT FOR 2014 WALES SUMMIT DEFENSE SPENDING BENCHMARK.—The Senate declares that all NATO members should spend a minimum of 2 percent of their Gross Domestic Product (GDP) on defense and 20 percent of their defense budgets on major equipment, including research and development, by 2024, as outlined in the 2014 Wales Summit Declaration.

Mr. SULLIVAN. Madam President, after World War II, European leaders looked to the United States to help heal a fractured world and to help provide safety against increasing communist Russian aggression. As Winston Churchill said:

> There I sat with the great Russian bear on one side of me with paws outstretched and, on the other side, the great American Buffalo.

Well, the Buffalo prevailed, NATO prevailed, and the world's most successful and enduring military alliance was born.

In 1949, the Senate ratified the NATO treaty by a vote of 82 to 13. President Truman was quoted at the signing ceremony of the NATO treaty by saying:

> In this pact, we hope to create a shield against aggression and the fear of aggression . . . For us, war is not inevitable.

He continued:

> Men with courage and vision can still determine their own destiny. They can choose slavery or freedom—war or peace. . . . The treaty we are signing here today is evidence of the path they will follow.

That was when President Truman signed the first NATO treaty.

And, indeed, since the formation of NATO, no world wars have broken out, no country that is a signatory of NATO

has been invaded by another country's military forces. In fact, the only time NATO's article V—which is the pillar of the alliance, which states that an attack on one is an attack on all—was invoked was actually after the terrorist attacks on America on 9/11. Our allies came to our help to ensure Afghanistan wouldn't harbor terrorists, and we appreciate that help. We appreciate it deeply from our NATO allies.

NATO, however, is more than just a military alliance. It is a group of countries with shared values and beliefs and a commitment to the principles of democracy. All of this, in addition to the military alliance, is the heritage of NATO.

President Ronald Reagan summed it up succinctly in a speech to our NATO allies in 1983:

> What do the Soviets mean by words like democracy, freedom, and peace? Not, I'm sorry to say, what we mean.

Replace the word ''Soviet'' with ''Russia,'' and the sentiment, unfortunately, holds true today. We see the antithesis of these democratic values and shared beliefs of NATO being played out in real time before us in the streets of Ukraine, where Vladimir Putin is leading a brutal assault on Ukraine—Russia's democratic neighbor—and committing atrocities, horrible atrocities, against the brave people of that country.

As both Presidents Truman and Reagan remarked, members of the NATO alliance are like members of the same house in the same family—the house and the family of democracy.

So, today, the U.S. Senate will welcome the nations of Sweden and Finland into the NATO family. Like any family, we may not agree on everything, but when it is most important, we will have each other's back. That is the essence of NATO and the core reason for its success.

Neither Russia nor any other country will be able to invade Sweden or Finland, now that they have become members of NATO, without its NATO allies coming to their support.

Of course, Finland has experienced the Russian invasion. In 1939, where, without the help from other nations, its greatly outnumbered brave Finnish army fought off over 1 million Russian forces for 3 months. But that won't happen again to Finland. It won't happen to Sweden. They won't be alone now.

We welcome these countries' commitment to freedom and their advanced professional militaries, which will make NATO stronger.

To Finland and Sweden, no longer will you be working with NATO. You will now be working in and part of the greatest defense alliance in history. So welcome to these great countries.

As Churchill once said:

> There is only one thing worse than fighting with allies, and that is fighting without them!

I strongly support the inclusion of these two great nations, Sweden and Finland, into the NATO alliance. Important occasions like this are also an opportunity to reflect on the obligations of membership, not just for these new NATO members but for all NATO members.

And on the heels of the Russian invasion and annexation of Crimea in 2014, the heads of state and representatives of the then-28 member countries who made up NATO attended a very important summit, a NATO summit, in Wales. There, they agreed upon a common goal for all NATO members that they would spend a minimum of 2 percent of their gross domestic product on defense by 2024. This 2 percent of GDP NATO defense spending goal has been strongly supported for decades by American administrations, both Republican and Democratic: Presidents Bush, Obama, Trump, and now President Biden.

At the time, in 2014, of the NATO summit in Wales, 10 of the 28 members of NATO met that 2-percent guideline. Now, 8 years later in 2022, of the 30 NATO country members, we only have 8 of those 30 meeting that 2-percent threshold.

I have a chart here. It lays out the 2-percent goal: who is above it, who is below it. It is many other countries besides the ones that are listed there. But the bottom line is, since Wales and that important commitment, there has not been much progress in NATO on this shared goal and commitment.

Now, I am a very strong supporter of NATO and a very strong supporter of the U.S. military, and I want NATO to endure for decades to come. But alliances can't endure if shared commitments and shared burdens are not met. This is particularly true for democratic alliances like NATO. There must be a sense among the citizens of such countries that all are pulling their weight for the collective defense of the alliance, for the collective defense of each other.

So as I mentioned at the outset, I am calling up an amendment to the resolution. My amendment is to make this commitment clear. It is to announce the U.S. Senate's expectation for all NATO members: the United States, existing members, and now new members—expectations on what has already been agreed to by each NATO country and its citizens.

The amendment is simple. It states the following:

> The Senate declares that all NATO members should spend a minimum of 2 percent of their Gross Domestic Product . . . on defense and 20 percent of their defense budget on major equipment, including research and development, by 2024, as outlined in the 2014 Wales Summit Declaration.

That is it. It is a simple amendment, and I hope it can pass in the next hour by voice vote.

Let me conclude with this: A robust, expanded NATO with Finland and Sweden as new members is needed now more than ever, especially given the brutal invasion of Ukraine by Russia. We need to fully understand the broader implications of this invasion. We have entered a new era of authoritarian aggression, led by Russia and China's dictators, who are increasingly isolated and dangerous, driven by historical grievances, paranoid about their democratic neighbors, and willing to use military force and other aggressive actions to crush the citizens of such countries. These dangerous dictators, Vladimir Putin and Xi Jinping, are increasingly working together to achieve their aggressive goals.

We must wake up to the fact that this new era of authoritarian aggression will likely be with us for decades. We need to face it with strategic resolve and confidence. The United States has extraordinary advantages relative to the dictatorships of Russia and China, if we are wise enough to utilize and strengthen them: our global network of allies, our lethal military, our world-class supplies of energy and other natural resources, our dynamic economy, and, most important, our democratic values and commitment to liberty.

Xi Jinping and Putin's biggest weakness and vulnerability is that they fear their own people. We should remember this and exploit this in the months and years ahead. NATO, as an alliance, encompasses so many of these powerful comparative advantages: a lethal military, a global network of allies, dynamic economies, and the power of democratic values and the commitment to liberty.

We should all welcome and celebrate the addition of Finland and Sweden to the NATO alliance, but we should also use this moment to recognize the seriousness of the authoritarian threats on the rise all over the world and recommit ourselves, all NATO members, to our obligations of collective defense, moving forward.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Mr. CARDIN. Madam President, first of all, I want to applaud the Senator from Alaska for his comments. I agree completely with his statements, and I think his amendment making it clear that we expect the 2 percent to be honored by all member states is something that we all should welcome and agree to.

I thank you for your leadership. I also thank you for how you have articulated the importance of NATO to our national security.

NATO is a transatlantic security partnership that has served our national security interests so well for so many years since the end of World War II.

Today, we are going to have a chance to vote to expand the NATO alliance by adding Finland and Sweden. I hope all my colleagues will support that.

I will point out that Finland already exceeds the 2 percent that Senator

SULLIVAN is talking about, the percentage of their GDP that they are spending on defense. So I think this is another reason why we have countries that we want to add to the alliance. We have 30 strong now. This will even be stronger with Finland and Sweden being added to the NATO alliance.

But what is unique about the two countries that we will have a chance to vote on in a few moments is that they give us added value to our alliance. They make our alliance stronger. It is in our national security interest to include Finland and Sweden. They add value militarily and economically to this alliance.

The geostrategic location of these two countries is critically important to our national security. Just think for a moment about the threats to the Baltic nations that we have seen by Russia—Estonia, Latvia, and Lithuania. Think about where Poland has been threatened because of Russia's aggression in Ukraine.

Adding Finland and Sweden will help us round out the security alliance necessary to provide the security that we need. Both of these countries are already committed to interoperability with the NATO alliance. They are already familiar with how NATO's process and procedures are utilized.

So we have two countries that are ready from day one to be active participants in the alliance. They both participate in regular participation and training exercises with NATO and U.S. forces. Both Sweden and Finland have done that. They have contributed troops. Sweden has contributed troops to NATO-led operations in Kosovo, to Afghanistan, to Iraq. So we have countries that have already stepped up to help us in security and now will be a formal part of the security alliance.

They will add, also, a dimension that is important for us in regards to winter warfare. The cold response winter warfare exercises have been participated in. Finland has the arctic capabilities that will be critically important to us as we move forward. So we are adding value to the NATO alliance as well as expanding the number of countries.

I want to mention one other area: cyber and misinformation. We have two countries that have been very active in being victimized by the misinformation campaign by Russia. Sweden has a Psychological Defence Agency that they created in 2016 that is going to be important for us. As we know, Mr. Putin uses every weapon in his arsenal, including misinformation, in order to try to bring down democratic states. We know that in Sweden's case, they are already taking decisive action to counter the misinformation. Finland has an anti-fake-news initiative, which is actually fascinating. They recognize that Russia is trying to invade their country through misinformation, and they have an active way of defending against it. So, as I said earlier, we have two countries that will add value to the alliance.

The timing here couldn't be better. We have stood up an international resolve to support Ukraine in the invasion by Russia. Expanding NATO at this moment is a clear message to Mr. Putin that we stand with the democratic countries of Europe and we are prepared to expand our NATO alliance to guarantee their protection.

So these two stalwart, democratic nations, Finland and Sweden, have been robust partners to the United States and Europe on countless fronts. They have provided humanitarian aid to many countries in need, including Ukraine during the unprovoked invasion by Russia. Combined, Finland and Sweden provided over $120 million in military and humanitarian aid to Ukraine between February and June of 2022.

These two nations have also shown a commitment to democratic governance, ranking third and fourth respectively on the global Democracy Index of 2020, according to an economist group. So we have two of the leading democratic states.

Finland and Sweden have proven time and time again that they have the defense capabilities and commitment to democracy in Europe to make them essential NATO allies. The Senate must act now to bolster this global peace and security by voting in favor of Finland and Sweden's accession to the North Atlantic Treaty. I urge my colleagues to do that.

AFGHANISTAN

Madam President, I would ask that I be permitted to enter comments about the 1-year anniversary of the fall of Afghanistan, pointing out that the Biden administration has been able to assist in the evacuation of so many American citizens and people who helped our U.S. mission, those who were involved in the democratic reforms in that country, but there is still a mission that we need to participate in to save people.

So I would ask unanimous consent that those comments be printed in a separate part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled votes: Senator COLLINS for up to 10 minutes, Senator GRAHAM for up to 5 minutes, Senator BLUNT for up to 5 minutes, Senator ROMNEY for up to 5 minutes, Senator RISCH for up to 5 minutes, Senator PAUL for up to 10 minutes, Senator SULLIVAN for up to 1 minute, and Senator MENENDEZ for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO

Ms. COLLINS. Madam President, I rise in strong support of the accession of Finland and Sweden into the NATO alliance.

In May, I visited Helsinki and Stockholm as part of a Senate delegation to encourage the Finnish and Swedish efforts to join the alliance. Our trip, however, started in Ukraine. There, after a long, secret journey under cover of darkness, our contingent of four Senators met with President Zelenskyy for 2 hours. We discussed the military, humanitarian, economic, and security consequences of Russia's unprovoked, brutal war against Ukraine. I asked President Zelenskyy whether he thought Vladimir Putin's attack on his country had had the opposite effect of what he had intended. For example, the Russian-speaking sections of eastern Ukraine are now embracing their Ukrainian identity, and NATO is more united than ever. President Zelenskyy told me that Putin's war of aggression not only had been the opposite of the easy conquest that Putin had expected but also had strengthened the NATO alliance and the European Union.

(Mr. HICKENLOOPER assumed the Chair.)

Mr. President, one cannot understand how Russia's invasion of Ukraine has upended decades and, in the case of Sweden, centuries of security policy for these countries. For 200 years, Sweden has maintained a policy of neutrality, but, as Swedish Prime Minister Andersson put it to me, ''February 24 changed everything.'' That was the date of the Russian invasion of Ukraine.

Finland, which shares an 830-mile border with Russia, likewise concluded that Russia's aggression required a dramatic rethinking of its security. To demonstrate the reality on the ground, the Finnish President took us outside of his home and pointed to his right, where Tallinn, Estonia, is only 50 miles away across the Baltic Sea. He then pointed to his left and told us that St. Petersburg, Russia, is only 200 miles away.

Our visits to these leaders came just as the Parliaments of Finland and Sweden were voting to formally request admission into NATO. We assured their leaders that there was strong, bipartisan support in the Senate for their accession and that adding their capabilities to the alliance would improve, would strengthen our collective defense and security.

This is, indeed, an important point. Sweden and Finland will both bring enormous geographic advantages and military capabilities to NATO. Finland is expected to exceed NATO's 2 percent defense spending target this year, and Sweden has committed to meeting that target as soon as possible. Finland has the largest reserve military force in Europe and has recently decided to upgrade its current fleet of American F–18 fighter jets with the fifth-generation F–35. For the past several years, Sweden has been increasing its arms spending, and the country has advanced defense industrial capabilities.

The addition of both of these nations to NATO will bolster deterrence against Russia in the Arctic, Nordic, and Baltic regions.

For decades, Finland and Sweden have had a strong history of support for NATO. Their advanced militaries are, for example, interoperable with member nations. Both countries also have supported NATO-led operations over the decades, including in Afghanistan, Kosovo, and Iraq. They frequently participate in alliance-led exercises and capacity-building operations in Africa and elsewhere.

During the current crisis in Ukraine, Finland and Sweden have been invaluable partners to the Ukrainians. They have been sending vital military aid to Ukraine, as well as humanitarian assistance, since February, including anti-ship missiles, rifles, body armor, and anti-tank weapons.

There are a few critics who contend that this NATO expansion, which will more than double NATO's direct border with Russia, is somehow provocative to Vladimir Putin. This assertion ignores a clear pattern of Russian aggression extending back years.

In 2008, Russia invaded its neighbor, Georgia. In 2014, Russia invaded Ukraine for the first time, occupying and seizing Crimea and areas of eastern Ukraine. Then, earlier this year, of course, Russia launched the largest and most devastating land war in Europe since World War II without any justification or provocation when it invaded the free and democratic nation of Ukraine.

This expansion of NATO is warranted precisely because of Russian provocations across the region.

As always, NATO and the United States have no desire to see a war with Russia, but we will defend the territory and sovereignty of each of its members.

Russia's brutal and unprovoked invasion of Ukraine has permanently changed the European security environment. Enlarging NATO to include two of our most capable and supportive European allies, Finland and Sweden, is a necessary and deliberative response.

I urge all of my colleagues, in a strong vote, to join me in the swift ratification of Finland and Sweden's accession into NATO.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, one, I want to associate myself with the comments of Senator COLLINS from Maine. That was a great story about why we should all be happy today with Finland and Sweden and why this makes a lot of sense.

There is one person I want to thank whom I don't usually give a big shoutout to: President Putin from Russia. Without you, we wouldn't be here. You have done more to strengthen NATO than any speech I could ever hope to give.

John McCain, I wish you were alive today to celebrate because what we have been able to accomplish here through Putin's invasion of Ukraine is to remind everybody in the world, when it comes to bullies, you better stand up to them before it is too late. So our friends in Finland and Sweden have decided to join NATO. That is a good thing.

But let me put Ukraine in perspective right quick. Our military leaders and our experts told us: After the invasion, 4 days, they would be in Kyiv. Well, they miscalculated. They overestimated the capabilities of the Russians, and they certainly undercalculated the resolve of the Ukrainian people.

We are 160 days into this fight. Ukraine is still standing, bloodied but unbowed; NATO is bigger; crippling sanctions on the Russian economy; the ICC is investigating war crimes committed by Putin and his cronies. You have 100 U.S. Senators—we can't agree on Sunday being a day off—have agreed that Russia should be a State sponsor of terrorism under U.S. law.

So 160 days into this fight, I am telling you right now, things are looking pretty good for the good guys. And I say that knowing how much suffering has gone on in the Ukraine. But today, we are here to admit two new members of NATO.

NATO has been the strongest force for good, I think, on the planet since 1949. It is a group of countries organized around democratic concepts that have pledged to one another mutual defense—an attack on one is an attack on all. It has deterred war. It has been a stabilizing influence in Europe since the end of World War II. And along comes Putin.

So NATO today is going to be bigger than it was before the invasion. NATO today is going to have more military resources than before the invasion by Russia into Ukraine.

Again, I want to thank President Putin. You have done something for the democratic world that we have not been able to do for ourselves.

To NATO, as an organization, keep your eye on the ball; pay your 2 percent.

To my friends who suggest that expanding NATO makes us weaker against China, what movie are you watching? How can you believe for one moment abandoning Ukraine or showing less of a commitment to European stability will make China more afraid of us and less likely to invade Taiwan?

The best thing we could do right now as a world—particularly, the democratic world—is to become stronger in the face of aggression, to make NATO bigger. And we are going to accomplish that in a few minutes.

To all my colleagues who have come down here and spoken on behalf of the admission of these two countries, God bless you; you are on the right side of history.

One regret I do have is my great friend Senator McCain could not see today come about because he would be exceedingly pleased that the democratic world has rallied in the face of the aggression by Putin.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to join my colleagues in my appreciation for the expansion of NATO—as others have said, the greatest alliance, maybe in history, certainly in the last 200 years, an alliance that has served great benefits and now is growing. NATO has been there since 1949.

The two countries that we are going to be voting to admit today have resisted since 1949 being part of NATO, but with the recent actions, they decided you now have to choose a side.

Now, they are not countries that have been on the sideline just hoping nothing would happen. They are countries that had significant defense capacities, significant military capabilities. They will be net security contributors to NATO. They bring to the alliance these advanced capabilities. They bring a neighborhood understanding of Russia, greater than maybe almost any other country, particularly Finland, which has been mentioned has an 800-plus mile border that will double the NATO border with Russia. They have been defending that border since World War II, and the Russians understand their capacity to defend it.

They, frankly, bring good real estate and good location. I wish I had a map here on the floor with me, but I don't. The Baltic really becomes a NATO sea. And that is an important thing—Norway already in NATO, Sweden joining NATO, Finland joining NATO; right across from the three Baltic countries that are much more in need of assistance than these two countries that are joining an alliance that will give them that assistance. It is an incredible day for NATO.

The Baltic Sea, the Arctic—I have heard more on this floor and in this country about the Arctic in the last 5 years than I think we have talked about in the previous 25 years. The Arctic basically becomes NATO territory with the sole exception of Russia.

The United States, Canada, Norway, Sweden, Finland become the countries that are bound not only in the neighborhood of the Arctic but also in a supportive alliance.

We have been hearing about how China wants to become an Arctic power. I think the change in NATO makes it incredibly harder for China to become an Arctic power or for Russia to become an Arctic abuser. And we are seeing that happen right here.

Again, great capability. The Swedes have an Air Force, a Navy. They have the best cyber offensive and defensive capability in Europe—that large industrial base. Finland just agreed to buy 64 F–35s to replace their F–18s.

Both countries have been working with us in military exercises for years. They are virtually immediately interoperable. They bring capacity to the NATO alliance that it doesn't have without them.

I am grateful that they are joining. Finland is already at the 2 percent goal

of their commitment to their own national defense. Sweden will be there by 2028.

Senator DURBIN, who is here on the floor with me, and I met with both of these countries recently. And they are absolutely committed that this is the moment when the NATO alliance takes on new meaning, not only to their two countries but I think to—and not only Western Europe but, frankly, to the world.

This is an alliance that stands for shared values, that stands for border integrity, that stands for being sure that those things go into the future.

I urge all of my colleagues to vote for this today. I am glad we are able to be among the first. We were hoping we would be the first country to approve the admission into NATO of these two countries, but we will be among the first. I think it sends a signal to the world and hopefully to all Americans that not only is NATO important, but it will be stronger with Sweden and Finland than it has ever been. And I look forward to the opportunity to cast this vote today.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Mr. President, I rise to oppose the Paul amendment to the resolution of advice and consent to ratification for the extension of the Republic of Finland and the Kingdom of Sweden to NATO.

Like virtually all of my colleagues, I support the admission of Sweden and Finland into NATO. Their commitment to democracy, their military capabilities, and their resolve in the face of Russian aggression is welcome.

With Russia's unprovoked attack on Ukraine, NATO has been united in providing support for the Ukrainians to defend themselves. NATO is also united in its adherence to the revisions of the NATO treaty. The world is watching to see if there are any cracks in that commitment, particularly with respect to its provisions for mutual defense.

We must not in any way appear to be going wobbly on article 5. I fear that the Paul amendment would do just that. Further, Senator PAUL's amendment is unnecessary. The NATO treaty specifically states this:

> This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes.

That is in the NATO treaty itself.

So adding the language of the Paul amendment would only add confusion and potentially communicate to the world that this body seeks something in addition to the adherence to the constitutional process that the treaty already requires.

Now, it is well and good for Congress to consider war powers and our role in military conflicts. But doing so as part of the accession of Sweden and Finland to NATO while Ukraine is under attack and while Russia may potentially be eyeing violence against NATO nations is surely not the time.

Our commitment to NATO and article 5 must be clear and unambiguous. Throughout our Nation's history, the United States has not once ratified NATO protocols with a reservation.

I am going to say that again to make sure I got it right.

Throughout our Nation's history, the United States has not once ratified NATO protocols with a reservation. Now should be no different. Doing so could send the wrong message to the people of Ukraine, to our other friends and allies. It could even be propagandized as a nod to Putin.

I urge my colleagues to vote down Senator PAUL's amendment. Our message must be clear: We stand with NATO, with article 5, and with the admission of Finland and Sweden into our alliance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I hope that my remarks are even less.

I stand in solid support of the accession of Finland and Sweden into NATO. Just a few weeks ago, I was fortunate enough to visit Lithuania. It is a country that means a lot to me and my family. I met with the former President Valdas Adamkus.

Adamkus, a Lithuanian immigrant to the United States, had a distinguished record in our government's service here and then returned to Lithuania after his retirement from the U.S. Federal Government and ran successfully for President.

He had the vision to realize that the future of Lithuania and the Baltic States was in the European Union and NATO and worked strenuously to achieve those goals, and I was happy to be joining him in that effort.

Now, this moment in history really complements his leadership because the accession of Finland and Sweden to NATO is a confirmation that the Baltic Sea is safer than ever when it comes to the West. If Vladimir Putin thought that by invading Ukraine he could somehow inhibit the future of NATO or in some way limit its future, the opposite has occurred.

NATO is stronger than ever. And the United States' commitment to NATO is stronger than ever. The fact that only a handful of Senators from either political party are even questioning the accession of Sweden and Finland are good indications to me that we have bipartisan support for this NATO coalition now more than ever—and we should, first, for the Ukrainians and, secondly, for the United States and its future.

Those who are speaking against the accession of Finland and Sweden suggest that we ought to focus our attention on Asia. Well, we cannot ignore Asia. It is an important part of our near-term future. And we have got to show strength throughout the world. Why don't we start right now? With this accession of Finland and Sweden, the strengthening of the NATO alliance says to any adversary of the United States, even to China and its future, that this country does business with other countries in the world on an arm's-length basis and a respectful basis and can deal with democracies in a constructive way in building their economies for the future.

I will gladly join in the support of the accession of Finland and Sweden to NATO. I believe it not only strengthens that alliance when it comes to this war in Ukraine, it prepares us for challenges in the future, and it is the right thing for America's security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, today, I rise and urge my colleagues to vote in favor of the Accession Protocols for Finland and Sweden to join NATO. This is probably one of the easiest votes I will ever make in the U.S. Senate.

I have listened to arguments about Asia, somehow that it comes in here. Look, we can walk and chew gum at the same time. Certainly, we need to look at what is going on in Asia, pay attention to what is going on in Asia, but what we are talking about here is the defense of the North Atlantic.

This organization was put together many years ago. It has grown over those years to be 30-strong. And now we are going to add two more.

I have characterized NATO as the most successful political and military alliance in the history of the world; certainly the most powerful alliance in the history of the world. And today we have the opportunity to expand the alliance by including Finland and Sweden.

Over the years, we have added various countries, and debates could be had about those countries as to whether or not they are sufficient to join NATO and be part of the article 5 ''an attack on one is an attack on all'' alliance. But on Finland and Sweden, there really is little, if any, argument. These are two very successful countries.

This accession process is an important chance for the United States to demonstrate leadership in NATO—we have over the years, and we will continue to do so—and the United States' commitment to its modernization and to its future.

The Senate Foreign Relations Committee has carefully consulted and coordinated with our NATO allies, the Governments of Sweden and Finland, and with the administration to ensure this process could move as efficiently as possible. I can tell you that, personally—and others have done the same over recent years and particularly over recent months, have pressed Finland and Sweden to change their view as to

whether or not they should remain neutral and instead move into the NATO alliance.

On February 24, we all know the world shook. Things changed dramatically. After Putin's unprovoked attack on Ukraine, Sweden and Finland, I am sure, woke up and said: You know, that could be us next, but it won't be us if we join NATO. So their polling in their country changed dramatically on February 24 as to whether or not NATO membership was appropriate for them. They have now enthusiastically said that NATO is appropriate for them, and we have shown in this body bipartisan support for Finland and Sweden joining NATO.

Finland and Sweden will make model members of the NATO alliance. Both have strong and capable militaries in place now and are already net contributors to the security alliance. As was pointed out earlier by Senator COLLINS here, they have been very active in NATO, even though they are not members of NATO, by participating in various drills that have taken place and also by participating in the duties that NATO does strengthening the eastern flank of NATO. They have also demonstrated interoperability with NATO, which is extremely important, and the commitment necessary to join the alliance.

I would say that today, with what is going on in Ukraine, Finland and Sweden joining the alliance is even more important. When the shooting is over in Ukraine, it won't be over. NATO is going to reexamine what they need to do to strengthen themselves, and certainly one of those will be an examination of hardening the eastern flank. Finland and Sweden, obviously, are on the eastern flank and will add considerably to that. Not only that, it is going to cost more to defend the eastern flank simply because of what Russia has done. Finland and Sweden will be a contributor, as will everybody.

Adding these two nations as full members of our alliance will further deter any temptation by Russia to engage in military adventurism in the Baltic and Arctic regions. I believe Russia is already deterred when we say and our NATO allies say and European nations say to Putin: Not one square inch. Whether it is on the eastern border of one of the Baltic States or whether it is downtown London or in the United States, an attack on any of the NATO countries is an attack on all of them, and the response will be swift.

Today's ratification of Finland and Sweden as new members of NATO will both send a strong message of transatlantic unity to Putin and strengthen NATO against Russia's ongoing threat. NATO has pulled together regionally to push back on Russia, and it is obvious that need has not gone away.

I want to urge my colleagues to vote yes. This is a really easy vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 5191

Mr. PAUL. Mr. President, today, the Senate will vote to expand the NATO alliance to include Sweden and Finland. A crucial question that should be answered is whether Sweden and Finland's accession to NATO is in America's best interests and whether their joining will cause more or less war.

Well, for every action, there is a reaction. What do our adversaries say? Putin's immediate response to it was that Russia ''does not have a problem'' with Sweden or Finland applying for NATO but that ''the expansion of military infrastructure into this territory will of course give rise to reaction and response.'' So from Russia's perspective, they likely will tolerate Sweden and Finland in NATO but likely will not tolerate certain weapons systems in Finland or Sweden.

Advocates of NATO expansion said we can't be held hostage to Russia's threats. Perhaps. But if a country announces they will do X if you do Y, shouldn't someone at least contemplate the potential scenarios? The Russians have already announced that placing certain weapons systems in Finland is a redline. Whether the redline is justified is not the issue. The issue is, knowing your adversary's position, is it worth the risk of pushing missiles into Finland?

The world has changed since Putin invaded Ukraine. Arguments that admitting Sweden and Finland to NATO could provoke Russia are less potent now since Putin's war shows he can be provoked by actions short of Ukraine's actual admission to NATO.

Diplomats, though, should try to envision how the Ukraine war might end. One possible end would be, as Zelenskyy has stated, a neutral Ukraine not militarily aligned with either the West or the East. Neutrality doesn't have to always be a weakness. Neutral nations can serve as intermediaries in conflict resolution. Often, our discussions with Iran use neutral Sweden as a conduit. When all nations are aligned, who will be the mediators? The world will soon lose the important roles played by a neutral Finland and Sweden.

But Putin's invasion in Ukraine has changed the world. In this new world, I am less adamant about preventing NATO's expansion with Sweden and Finland, but I am still adamant about the reality that NATO's expansion will come at a cost.

I am here today to propose a reservation to ensure that this expansion will not come at the expense of losing our ability to determine where and when the United States goes to war. My reservation merely reasserts that article 5 of the NATO treaty does not supersede Congress's constitutional responsibility to declare war before the United States commits troops to war.

The Founders designed the separation of war powers to ensure that the decision to engage in hostilities would be made only after serious deliberation. According to our Constitution, the United States would resort to war only after the collective wisdom of the people's elected representatives determine war is in the best interest. We know this because our Founders told us so.

At the Pennsylvania ratifying convention, James Wilson stated that the proposed Constitution would not allow one man or even one body of men to declare war.

In Federalist No. 69, Alexander Hamilton explained that the President would be restricted to conducting the armies and navies, which Congress alone would raise and fund.

The Father of our Constitution, James Madison, argued:

> In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature.

Some have argued that a vote for my amendment is to go wobbly on NATO's article 5 commitment. I would argue that the Gold Star parents and our men and women in the field don't want Congress to go wobbly on the Constitution.

There is no more serious question that we are entrusted to answer than whether to commit the men and women of the armed services to war. We cannot delegate that responsibility to the President, to the courts, to an international body, or to our allies. This is our constitutional responsibility, one that we have freely taken and one that our constituents expect us to uphold.

I also want to assure my colleagues here that adoption of my reservation will not jeopardize the NATO treaty. Some will argue that while the substance of my reservation is unobjectionable, the process of adopting the reservation threatens the expansion of NATO. Nothing could be further from the truth.

It is true that reservations must be accepted by the other parties, but the other parties are NATO allies. The other parties are NATO allies who are all dependent on us to come to their rescue. Do you think they are going to lecture us on obeying our own Constitution? We should expect those allies to respect article 11 of the NATO treaty, which states that the provisions of the treaty are to be carried out in accordance with each country's respective constitutional process.

Additionally, my reservation does not require any other country to take action or renegotiate the treaty. The reservation will be deemed accepted if our allies do not object after a period of 12 months.

I call on my colleagues to support my proposal to reaffirm that our Constitution and the NATO treaty are abundantly clear: Our international obligations do not supersede Congress's responsibility to declare war. It is in our Constitution. It is the supreme law of the land, and we should today reassert that we will obey the Constitution above all else.

I call up my amendment No. 5191 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will read the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 5191 to the resolution of ratification to Treaty Document No. 117–3.

The amendment is as follows:

(Purpose: To provide a reservation to the Protocol)

In section 1, in the section heading, strike ''**DECLARATION AND CONDITIONS**'' and insert ''**DECLARATION, CONDITIONS, AND RESERVATION**''.

In section 1, strike ''declarations of section 2 and the condition in section 3'' and insert ''declaration of section 2, the conditions in section 3, and the reservation in section 4''.

At the end, add the following:

SEC. 4. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the following reservation: Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, as we bring to an end this debate about the accession treaty for Sweden and Finland, I have been listening in my office to my colleagues' comments, and I think it has all been very constructive. But I do have a different view—a view on some points that have been made that I think are wrong—and before this body casts a vote, I think they should understand why.

I appreciate Senator PAUL's focus on Congress's prerogatives with respect to war powers. Like Senator PAUL, I have a deep respect for the critical role that the Constitution assigns to Congress in this area, and I believe our democracy is stronger for it. But I rise to convey that Senator PAUL's amendment is unnecessary, unprecedented, and, if adopted, will be deeply damaging to NATO and our relationship with NATO allies.

That is why the Foreign Relations Committee, in marking up these treaties, overwhelmingly, in a bipartisan vote, voted down a substantively identical amendment offered by Senator PAUL.

The amendment before us today is not necessary. There is no question that the North Atlantic Treaty and the Finland and Sweden protocols do not and cannot supersede the Constitution. No treaty can. This is a well-established and well-understood point that the Supreme Court has reaffirmed.

The amendment, however, would be deeply damaging to our core national security interests. Neither the United States nor any other NATO ally has ever insisted on a reservation—a statement that would limit and call into question our adherence to NATO obligations. But that is exactly what this amendment does.

If adopted, it would be shared with all NATO members and would signal to them that we are limiting our obligations to NATO with regard to article 5 of the NATO treaty. If we go down this road, we can expect that other countries will do so, as well, gutting the core commitment that NATO members make to each other.

Particularly at this time, with Putin's rampage in Ukraine, his energy war against Europe, and his constant saber-rattling, it would be self-defeating to do anything that casts doubt on our rock-solid commitment to NATO and our NATO allies.

So let me reiterate: There is no question that neither the treaties we are voting on today nor any treaty can supersede the Constitution. That position is clear in law and clear in logic: The Constitution is supreme.

From there, we have one task before us: providing advice and consent to Finland and Sweden's accession in a manner that strengthens the NATO alliance and strengthens our allies. The amendment before us would do the opposite.

And for those reasons, I oppose that amendment and urge all my colleagues to do so as well.

Finally, let me address some of the other critics of Sweden and Finland's accession to the NATO alliance. Each day we fail to act we send a message of indecision and division. Some Republican critics oppose Sweden and Finland joining NATO because they are worried about the cost to the United States, but that is simply untrue. Sweden and Finland will reduce these costs.

Instead, we should be asking: What is the cost of delaying NATO expansion? What is the cost of debating protection for Europe's democracies? What is the cost of denying security to Sweden and Finland?

I will tell you, these eleventh-hour concerns standing in the way of this process only serve Putin's interest. Other critics want an amendment undermining article 5 of the NATO charter, which says an attack on one NATO member is an attack on all. But as I said before, this was overwhelmingly rejected by both sides of the aisle in the Senate Foreign Relations Committee.

And then there are still others who say we shouldn't accept Sweden and Finland into NATO because China, not Russia, is our greatest foreign policy threat. Let me just say one thing, if you want to make sure you defeat the China challenge, the first thing you want to do is defeat Russia in Ukraine.

Xi Jinping is looking at what is happening in Ukraine. He is looking at what the West is doing in Ukraine. And he is making calculations as it relates to Taiwan and elsewhere in the world. You want to make sure that you defeat Russia in Ukraine.

And let me also say, as someone who has worked on foreign policy for three decades and who is intimately aware of the danger and risk that China poses, we have to be able to meet that challenge in multiple dimensions. Sometimes we face more than one threat at the same time. Sometimes our values and commitments compel us to stand up for what we believe in, and this is one of those times. Putin's regime continues to push and probe for weakness, and NATO is the best institution we have to check his push for power across the continent.

Over the course of the last 70 years that NATO has existed, it has used an open-door policy when it comes to accepting new member countries. These countries must be functioning democracies. They must treat minorities fairly. They must resolve conflicts peacefully and be able to contribute to the NATO alliance. And this criteria describes Sweden and Finland to a tee.

So I urge my colleagues to vote yes to accept these prosperous democracies into NATO. Vote yes to reduce the cost on the United States and the entire military alliance. Vote yes to embracing the values and modern militaries of Sweden and Finland. Vote yes to having these two democracies join us. Vote yes to strengthening the North American Treaty Organization today.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, Russia's brutal and unprovoked war of choice against Ukraine has now reached its 5th month. But while Vladimir Putin had hoped his war would divide the Atlantic alliance, it has in fact brought us closer together. Today, the North Atlantic Treaty Organization is stronger than ever, so strong in fact that new states are being brought into the fold. I am proud to vote today in favor of approving Finland and Sweden's entry into NATO. Their membership at this moment is critical to countering Putin's threats to global security—and especially to nearby, vulnerable nations. As I have already stated publicly with the bipartisan members of the Senate NATO Observer Group, Finland and Sweden are longstanding security and economic partners who already share the collective values that guide our alliance, and I welcome the addition of these two highly capable countries—and the people of Finland and Sweden—to NATO. Their decision to join NATO further reveals how Putin has made a huge strategic blunder, further strengthening the bonds among democratic nations determined to resist his authoritarian reach.

Ahead of this vote on adding Finland and Sweden to NATO, I would like to address Senator PAUL's amendment regarding article 5 of the North Atlantic Treaty and the Constitution. Let's be perfectly clear: There is no question that the protocols of any treaty do not—and cannot—supersede the provisions of the U.S. Constitution. That premise has governed U.S. foreign policy since our founding. And it is in keeping with that long tradition of fidelity to the Constitution that I rise in strong opposition to Senator PAUL's

amendment. This amendment is unnecessary, and it ignores the ultimate supremacy of the Constitution over foreign treaties. Not only that, but this amendment even goes so far as to ignore the substance of the North Atlantic Treaty itself. Article 11 of the treaty explains that ''its provisions [shall be] carried out by the Parties in accordance with their respective constitutional processes''—affirming the ultimate supremacy of the U.S. Constitution in governing the actions of the United States. Given these facts, it is clear that Senator PAUL's amendment, which would send the United States and the entire NATO community down a dangerous and unprecedented path, is predicated on faulty reasoning.

What is more, Senator PAUL's amendment regarding article 5 and the Constitution threatens to weaken the NATO Alliance itself. The article 5 provision outlining the collective defense obligations of NATO members constitutes one of the central principles of the North Atlantic Treaty. The core premise of article 5 is very simple: An attack against one NATO country should be treated as an attack against all NATO countries. The strength of the NATO alliance depends upon the shared understanding of and respect for this special obligation by each and every member state. But Senator PAUL's amendment suggests that each member state would be able to offer their own, differing interpretation of article 5, opening the door to confusion, ambiguity, and potential disorder among NATO members. Since the start of the NATO alliance, the Senate has voted eight times to admit a total of 18 new members, and on no such prior occasion was an understanding or reservation like this added. To do so now would only raise doubts about the nature of our article 5 commitment to Sweden and Finland.

For these reasons, I strongly urge the Senate to reject Senator PAUL's amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I just spoke an hour ago on the floor, and I am a very strong proponent of Sweden and Finland joining NATO. I am also a very strong supporter of NATO, and I want the alliance to endure for decades to come. But alliances can't endure if shared commitments and burdens are not met.

This is particularly true for democratic alliances, where there must be a sense among the free citizens of such countries that all are pulling their weight for the collective defense and shared goals they all agree to.

So the amendment I just called up an hour ago, No. 5192, is meant to make this clear. It simply states that the U.S. Senate expects all NATO members to spend a minimum of 2 percent of GDP on defense spending as agreed at the NATO summit in Wales in 2014. This will make NATO stronger, as will the accession of Finland and Sweden as new members.

And I ask for a voice vote on this amendment.

VOTE ON AMENDMENT NO. 5192

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Sullivan amendment.

The amendment (No. 5192) was agreed to.

VOTE ON AMENDMENT NO. 5191

The PRESIDING OFFICER. The question is on agreeing to the Paul amendment.

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''no.''

The result was announced—yeas 10, nays 87, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—10

Braun	Johnson	Marshall
Cruz	Lankford	Paul
Daines	Lee	
Hawley	Lummis	

NAYS—87

Baldwin	Grassley	Romney
Barrasso	Hagerty	Rosen
Bennet	Hassan	Rounds
Blackburn	Heinrich	Rubio
Blumenthal	Hickenlooper	Sanders
Blunt	Hirono	Sasse
Booker	Hoeven	Schatz
Boozman	Hyde-Smith	Schumer
Brown	Inhofe	Scott (FL)
Burr	Kaine	Scott (SC)
Cantwell	Kelly	Shaheen
Capito	Kennedy	Shelby
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Luján	Stabenow
Cassidy	Manchin	Sullivan
Collins	Markey	Tester
Coons	McConnell	Thune
Cortez Masto	Menendez	Tillis
Cotton	Moran	Toomey
Cramer	Murkowski	Tuberville
Crapo	Murphy	Van Hollen
Duckworth	Murray	Warner
Durbin	Ossoff	Warnock
Ernst	Padilla	Warren
Feinstein	Peters	Whitehouse
Fischer	Portman	Wicker
Gillibrand	Reed	Wyden
Graham	Risch	Young

NOT VOTING—3

Cornyn	Leahy	Merkley

The amendment (No. 5191) was rejected.

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, any committee conditions, declarations, or reservations, as applicable, are agreed to.

VOTE ON RESOLUTION OF RATIFICATION (NO. 117–3)

The question occurs on the adoption of resolution of ratification, as amended.

The majority leader.

Mr. SCHUMER. Madam President, since its creation over 70 years ago, no alliance in human history has done more to advance the cause of freedom and democracy than NATO.

Today, at a moment when democracy in Europe is under attack, as belligerent autocrats, like Putin, clamor for European dominance, the U.S. Senate is voting in overwhelming bipartisan fashion to approve Finland's and Sweden's accession to the NATO alliance. This is important substantively and as a signal to Russia that they cannot intimidate America or Europe.

(Applause.)

Thank you, Roger.

Putin has tried to use his war in Ukraine to divide the West. Instead, today's vote shows our alliance is stronger than ever.

I applaud the leaders of Sweden and Finland, who made a bold choice to depart from their long-held position with respect to NATO. I am confident they will be excellent partners in this alliance.

I thank Leader MCCONNELL. Back in May, we met with the Finnish President and the Swedish Prime Minister and promised to approve their accession as quickly as possible. Today, we are keeping that promise.

I also want to thank my colleagues on both sides of the aisle for springing into action on this matter, especially Senator MENENDEZ, the chair of the Senate Foreign Relations Committee, who did such a good job with his ranking member, Senator RISCH, as well as Senators SHAHEEN and TILLIS, who have been our leaders in reaching out to NATO, for their leadership roles. Senators MENENDEZ and RISCH ensured their committee acted quickly.

On a broader note, in the past few months, we have seen an amazing string of bipartisan achievements in this Chamber—achievements rarely seen in such fast succession. We passed the first gun safety bill in 30 years, approved the largest investment in U.S. science and technology in generations, gave veterans the largest expansion of benefits in decades, and today, we are strengthening the NATO alliance. All of this, every bit of this, was done on a bipartisan basis. I have always said this Senate Democratic majority would be willing to work with the other side whenever possible, and these past months have been some of those moments.

Finally, to the Swedish and Finnish diplomats who have worked for months to reach this moment, rest assured, you have many friends in this Chamber. We promise to get this done, and we will always, always stand by your side as allies defending each other.

I thank my colleagues for their work.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—95

Baldwin	Grassley	Reed
Barrasso	Hagerty	Risch
Bennet	Hassan	Romney
Blackburn	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Blunt	Hirono	Rubio
Booker	Hoeven	Sanders
Boozman	Hyde-Smith	Sasse
Braun	Inhofe	Schatz
Brown	Johnson	Schumer
Burr	Kaine	Scott (FL)
Cantwell	Kelly	Scott (SC)
Capito	Kennedy	Shaheen
Cardin	King	Shelby
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Lee	Stabenow
Collins	Luján	Sullivan
Coons	Lummis	Tester
Cortez Masto	Manchin	Thune
Cotton	Markey	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Menendez	Van Hollen
Daines	Moran	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wicker
Fischer	Padilla	Wyden
Gillibrand	Peters	Young
Graham	Portman	

NAYS—1

Hawley

PRESENT—1

Paul

NOT VOTING—3

Cornyn	Leahy	Merkley

The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 95, the nays are 1, and one Senator responded present.

Two-thirds of the Senators present, a quorum being present, having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Resolved, (two-thirds of the Senators present concurring therein).

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS AND CONDITIONS.

The Senate advises and consents to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden, which were signed on July 5, 2022, by the United States of America and other parties to the North Atlantic Treaty of 1949 (Treaty Doc. 117–3), subject to the declarations of section 2 and the condition of section 3.

SEC. 2. DECLARATIONS.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Reaffirmation That United States Membership in NATO Remains a Vital National Security Interest of the United States.—The Senate declares that—

(A) for more than 70 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the countries in the North Atlantic area against all external threats;

(B) through common action, the established democracies of North America and Europe that were joined in NATO persevered and prevailed in the task of ensuring the survival of democratic government in Europe and North America throughout the Cold War;

(C) NATO enhances the security of the United States by embedding European states in a process of cooperative security planning and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

(D) the responsibility and financial burden of defending the democracies of Europe and North America can be more equitably shared through an alliance in which specific obligations and force goals are met by its members;

(E) the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the security of NATO members; and

(F) United States membership in NATO remains a vital national security interest of the United States.

(2) Strategic Rationale for NATO Enlargement.—The Senate declares that—

(A) the United States and its NATO allies face continued threats to their stability and territorial integrity;

(B) an attack against Finland or Sweden, or the destabilization of either arising from external subversion, would threaten the stability of Europe and jeopardize United States national security interests;

(C) Finland and Sweden, having established democratic governments and having demonstrated a willingness to meet the requirements of membership, including those necessary to contribute to the defense of all NATO members, are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(D) extending NATO membership to Finland and Sweden will strengthen NATO, enhance stability in Europe, and advance the interests of the United States and its NATO allies.

(3) Support for NATO's Open Door Policy.—The policy of the United States is to support NATO's Open Door Policy that allows any European country to express its desire to join NATO and demonstrate its ability to meet the obligations of NATO membership.

(4) Future Consideration of Candidates for Membership in NATO.—

(A) Senate Finding.—The Senate finds that the United States will not support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state (other than Finland and Sweden), unless—

(i) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and

(ii) the prospective NATO member can fulfill all of the obligations and responsibilities of membership, and the inclusion of such state in NATO would serve the overall political and strategic interests of NATO and the United States.

(B) Requirement for Consensus and Ratification.—The Senate declares that no action or agreement other than a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member, including, in the case of the United States, the requirements of Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties), will constitute a commitment to collective defense and consultations pursuant to Articles 4 and 5 of the North Atlantic Treaty.

(5) Influence of Non-NATO Members on NATO Decisions.—The Senate declares that any country that is not a member of NATO shall have no impact on decisions related to NATO enlargement.

(6) Support for 2014 Wales Summit Defense Spending Benchmark.—The Senate declares that all NATO members should spend a minimum of 2 percent of their Gross Domestic Product (GDP) on defense and 20 percent of their defense budgets on major equipment, including research and development, by 2024. as outlined in the 2014 Wales Summit Declaration.

SEC. 3. CONDITION.

The advice and consent of the Senate under section 1 is subject to the following conditions

(1) Presidential Certification.—Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

(A) The inclusion of Finland and Sweden in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO.

(B) The inclusion of Finland and Sweden in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

SEC. 4. DEFINITIONS.

In this resolution:

(1) NATO Members.—The term ''NATO members'' means all countries that are parties to the North Atlantic Treaty.

(2) Non-NATO Members.—The term ''non-NATO members'' means all countries that are not parties to the North Atlantic Treaty.

(3) North Atlantic Area.—The term ''North Atlantic Area'' means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(4) North Atlantic Treaty.—The term ''North Atlantic Treaty'' means the North Atlantic Treaty, signed at Washington April 4, 1949 (63 Stat. 2241; TIAS 1964). as amended.

(5) United States Instrument of Ratification.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate be in a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I rise today to speak about the nomination of Robert Gordon. Earlier this year, Mr. Gordon had strong bipartisan support in the Finance Committee when his nomination came to a vote. Mr. Gordon is President Biden's nominee to serve as the Department of Health and Human Services Assistant Secretary for Financial Resources, and he has a long history of dedication to public service.

More recently, he served as director of the Department of Health and Human Services for the State of Michigan. He played a central role in the State's pandemic response and managed an agency of 14,000 employees and a multibillion-dollar budget.

Before that, he held senior roles in the U.S. Department of Education and the Office of Management and Budget, where he championed evidence-based policymaking to use taxpayer dollars wisely.

Earlier in his career, Mr. Gordon served as a senior official at the New York City Department of Education. He was a senior aide on Capitol Hill, a law clerk for Justice Ruth Bader Ginsburg, and a White House aide.

In his time at the White House, he supported the development of the AmeriCorps program.

In his long career in public service, he has worked to ensure that government programs work for those they serve and that they do so through responsible use of taxpayer dollars. Such experience is essential to the work of the Assistant Secretary for Financial Resources at the Department of Health and Human Services.

HHS has responsibility for critical programs like Medicare, Medicaid, and the Children's Health Insurance Program, just to name a few. The Assistant Secretary for Financial Resources must ensure that these programs and many others under the umbrella of the Department remain strong for future generations.

I ask unanimous consent that, as if in executive session, the Senate consider the following nomination: Calendar No. 762, Robert Michael Gordon, to be Assistant Secretary of Health and Human Services; that the Senate vote on the nomination, without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, reserving the right to object, since last year, I have been asking for a commitment from my Democratic colleagues that any future reconciliation legislation in this Congress will not incorporate policies that will reduce access to care in nonexpansion States, such as Tennessee.

Specifically, my concern is that the reconciliation legislation that the House of Representatives passed last fall, which is the very vehicle for the reconciliation bill currently being discussed in the Senate, included provisions that cut DSH and uncompensated care pool payments for nonexpansion States. This would result in less healthcare for vulnerable populations in my State, it would accelerate hospital closures, and it would disadvantage rural communities. These are places and populations for which we are trying to secure more quality healthcare, not less.

Because I still have not received confirmation that these provisions will not be included in the final text of the partisan reconciliation bill, I cannot consent to expediting confirmation of this nominee and, therefore, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to respond, at least preliminarily, to my friend from Tennessee. I appreciate his advocacy for hospitals in his home State of Tennessee. So given that he is seeking this assurance about these disproportionate share hospital payments, my understanding is that the reconciliation bill we are about to consider this week does not contain any provisions that are directly relevant and any provision that would impact these disproportionate share hospitals or uncompensated care pool funding.

So given that and given that he is seeking this specific assurance about the pending reconciliation bill—and I think it is evident or will become evident that the bill does not contain these DSH provisions or uncompensated care payment cuts—I would ask him just this question, if he would entertain this question: If the Senate does pass a reconciliation bill, which I hope will be by the end of this week, and that bill is then subsequently enacted into law, will he lift his objection and allow this and other relevant HHS nominations to be confirmed by unanimous consent?

Mr. HAGERTY. Mr. President, I would like to respond to my friend from Pennsylvania.

That is a very reasonable request. We are getting ready to go through a process of which I have not yet seen the text—an amendment process that is hard to anticipate—and dread to think that there would be another wraparound, that that could happen as well. But assuming that we get to an end point and this language that I have discussed is not in the bill—the same language that the House included is not in this bill—I would be more than happy to lift my objection.

Mr. CASEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

REMEMBERING JACKIE WALORSKI

Mr. YOUNG. Mr. President, I come to the floor this evening, first, wanting to take a moment to join Senator BRAUN in remembering a good friend to each of us, our colleague Congresswoman JACKIE WALORSKI. She tragically passed away in a horrible car accident earlier today.

I, for one, am truly devastated. I know that JACKIE loved the State of Indiana. She loved the Hoosiers throughout the State. She had an incredible sense of humor, incredibly smart, and was so talented in many ways. And she will be missed.

I join countless Hoosiers, and I know that Senator BRAUN is, in praying for her husband Dean, for her entire family, and for all those who came to love and respect JACKIE.

I know that so many throughout the State are mourning her passing this evening, and so many will have important things to say about their interaction with her and how fond they were of her.

It also should be said that two other Hoosiers passed in this horrible accident, members of her dedicated staff: Emma Thomson and Zach Potts. We pray for all of them.

CONDEMNING THE ATTACK THAT OCCURRED IN GREENWOOD, INDIANA, ON JULY 17, 2022

Mr. YOUNG. Mr. President, today, we are also on the floor to talk about a different tragedy in the State of Indiana. On July 17, there was a terrible shooting that occurred at the Greenwood Park Mall, just miles from my home, which resulted in the death of three innocent victims.

Now, it could have easily been one of my neighbors or our friend, or, I remind myself, it could have been a member of my family who passed away there in the food court on that very day.

As this resolution that we are introducing today states, the U.S. Senate condemns this shooting and any violent action that seeks to bring harm to other individuals. We grieve the loss of fellow Hoosiers Victor Gomez and Pedro and Rosa Pineda, and we pray for their families. But we are also grateful for the heroes on the scene that day, for the first responders, our healthcare workers, as well as a young man named Eli Dicken.

Eli was in the food court that evening. He was legally carrying his own firearm, and when the shooting began, he used his weapon to bring down the shooter. Were it not for his poise during those brief moments, his brave and selfless actions, this shooting would have been far worse. So I ask all my fellow Americans to remember the victims and the heroes of this tragedy, and I urge passage of this resolution.

The PRESIDING OFFICER. The Senator from Indiana.

REMEMBERING JACKIE WALORSKI

Mr. BRAUN. Mr. President, earlier today, in the normal course of the day, I get the tragic news that my good friend, one of the first persons I met when I was exploring the idea of becoming a Senator, JACKIE WALORSKI, was tragically killed in a car accident.

All of us are on the road a lot, and you spend those hours—endless, sometimes—and you never imagine that one day that could happen. When I heard that, it is like the ultimate gut punch.

Emma Thomson, Zach Potts, died along with her—three Hoosiers whom we will miss. It is hard to come up with the words to say: How did that happen and how do you get through it?

But for most of us, and especially in my case with JACKIE, she was one of the first great Hoosiers I got to know on my own journey. She will be missed and our condolences to all of the families.

CONDEMNING THE ATTACK THAT OCCURRED IN GREENWOOD, INDIANA, ON JULY 17, 2022

Mr. BRAUN. Mr. President, I rise today to honor the memory of the victims of a senseless act of violence in Greenwood, IN, a southern suburb of Indianapolis.

The lives taken that day were enjoying what should have been a fun July day with family and friends. In a moment's notice, lives were changed forever when a deranged killer tragically took the lives of three people. This is happening far too often, and so often it seems to have something to do with mental illness. This is just another example of how it plays out in the real world.

They will never be forgotten.

This resolution also expresses hope for the full recovery of those injured in the attack as well.

I want to mention the victims by name. I think that is important: Pedro Pineda, Rosa Mirian, Rivera de Pineda, and Victor Gomez. You have to remember the people, their names, because this happens far too often.

Within a mere 15 seconds of the shooter opening fire, a citizen by the name of Elisjsha Dicken, a 22-year-old from Seymour, IN, down in my part of the State, rose and stopped the rampage. Thank goodness for him. If not for his courageous action, the violence surely would have been much worse. I am proud to acknowledge the man, the young man, for defending himself and others in a valiant act of bravery in the face of unimaginable danger.

Hoosiers are united in mourning for those lost in this senseless attack, and we pray for their families to find peace in the memory of their loved ones.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 740, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 740) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S. RES. 741

Mr. MARSHALL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 741, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have read and reread the Senator from Kansas's resolution. As best I can determine, it is a declaration of war. For that reason, it should be taken very seriously. He says, in the earliest stages of the preamble, to express the sense of the Senate regarding the constitutional right of State Governors to repel the dangerous ongoing invasion at the U.S. southern border.

The operative language at the end of his resolution on this decoration of war relates to a provision in the Constitution which is rarely quoted. It is section 10 of article I. I would like to read it into the record. It says:

> No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

I am trying to understand the thinking of the Senator from Kansas, but here is the best I could come up with. He says that what is happening at the southern border with our immigration issues is, in his words, ''actual invasion of the United States.'' And then goes on to say:

> Governors of all 50 States possess the authority and power as Commander in Chief of their respective States to repel the invasion described in paragraph 2.

So as best I can determine, the Senator from Kansas is suggesting that each Governor has the power to initiate military action. It doesn't say who the enemy will be or who the target will be. But according to this provision in the Constitution, these Governors can enter into compacts with other States for this military action or with a foreign power.

I don't know if the Senator from Kansas has thought this through, this idea that the State of Kansas would team up with the State of Arizona and declare war on Nicaragua. Is that what he is thinking because Nicaraguans are presenting themselves to the border? I would suggest that I have never seen a declaration of war that calls on the States to take such action, and the only time—the only precedent in our history was a sad one that involved the Civil War in the United States.

I don't know if the Senator is anticipating similar State action—State by State or combination of States—attacking a foreign power. For that reason and many others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, I rise to ask passage by unanimous consent, my resolution to express the sense of the Senate that the unprecedented crisis at the southern border constitutes an invasion of the United States of America and that it is the constitutional right of State Governors to repel the dangerous ongoing invasion across the southern border.

I encourage my colleagues to support this resolution because the Federal Government has failed—intentionally or unintentionally—to uphold its obligations to protect the States from invasion under article 4, section 4 of the U.S. Constitution.

During his campaign to become President, Joe Biden made it clear to the entire world that if he became President, America would be open—not open for business but that our southern border would be open, wide open, for anyone and everyone to violate our Nation's immigration laws and to take advantage of America's generosity. Yes, it would be wide open for drug smugglers, convicted murderers, domestic abusers, and sex offenders, open for terror suspects.

In 2019, Joe Biden called for ''all those people seeking asylum'' to immediately surge to the border. He pledged free healthcare for illegal immigrants and pledged support for sanctuary cities. One of his first actions as President was ending proposed legislation to Congress that would provide a path to citizenship for 10 to 12 million illegal aliens residing in the United States.

On his first day in office, he halted construction of President Trump's border wall and halted the ''Remain in Mexico'' program.

This open border—opened by Joe Biden—has resulted in an unprecedented, unrelenting massive wave of illegal aliens entering our country.

Last year, Border Patrol made more than 1.7 million arrests of illegal immigrants along the southern border, which is the highest level ever recorded, and is on pace to arrest more than 2 million illegal immigrants along our border during this fiscal year.

And now that Joe Biden is prepared to end the title 42 policy that enabled

us to expel many of those crossing the border back into Mexico, the vast majority of those violating our country's immigration laws will be released into the interior of our Nation where Democrats will insist they remain for the rest of their lives.

Last year, the number of drug overdose deaths in the United States topped 100,000—fentanyl being the cause of two-thirds of them. In fact, fentanyl is now the No. 1 cause of death of Americans, ages 18 to 45.

Last year, Border Patrol seized at the southern border 11,000 pounds of fentanyl, 5,400 pounds of heroin, 191,000 pounds of meth, 97,000 pounds of cocaine, and 10,000 pounds of ketamine—many, many, many multiples of the amounts needed to kill every man, woman, and child in the United States.

Now, if you speak to Border Patrol agents trying to deal with the crisis, they will tell you the Biden administration has completely forbidden them to enforce immigration law. They have been made ushers and nursemaids for illegal immigration.

This invasion is wreaking havoc on communities all across our country, and it simply cannot go on any longer. It is long past time for States to protect their interests because Joe Biden has made it clear the Federal Government will not.

President Biden's dereliction of duty and failure to take care that the laws be faithfully executed at our southern border has directly put the citizens of all 50 States in danger and has resulted in loss of life.

Let me be crystal clear. The violent activity and smuggling of drugs, humans, guns, and other illicit goods carried out by drug cartels and transnational criminal organizations meet the definitions of ''actually invaded'' under clause 3 of section 10 of article I of the U.S. Constitution; and ''invasion'' under section 4 of article IV of the U.S. Constitution; and Governors of all 50 States possess the authority and power as commander in chief of their respective States to repel the invasion described in paragraph 2.

I encourage the passage of this resolution to stand in solidarity with the Governors of these United States who must take matters in their own hands to protect their citizens against this invasion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

LAW ENFORCEMENT

Mr. KENNEDY. Mr. President, with me today is Mr. Wesley Davis, one of my able aides in my office. I would like to talk for a few minutes about crime.

It is up. It is way up. The largest city in my State is New Orleans, and New Orleans is on track to becoming the murder capital of the world. In my State and in my city of New Orleans, we have seen a 136-percent rise in homicides, a 101-percent rise in shootings, and a 194-percent rise in carjackings. And this is not just a Louisiana and a New Orleans problem.

Baton Rouge, LA—Baton Rouge, of course, is my capital city—and Shreveport are not much better. And violent crime is also on the rise in major cities from the west coast to the east coast.

We hear a lot about Chicago, of course, and New York City, but from May of 2021 to May of 2022, crime was up 23 percent in Seattle. It was up 21 percent in Washington, DC.

And I would respectfully suggest this is no coincidence. For almost 2 years now—2 years, long time—some people in positions of authority in our country have been calling to defund the police, to dismantle the police. And they have been disrespecting the police.

Many of our public officials—not all of them, but some happen to be mayors in major cities—they believe that cops are a bigger problem than criminals. They do.

They believe that when a cop shoots a criminal, it is automatically the cop's fault. When a criminal shoots a cop, it is the gun's fault. And we also have prosecutors, district attorneys—not all of them but too many of them who live by the motto: Hear no evil, see no evil, and prosecute no evil. And we can now see the result of that attitude.

It is an anti-law enforcement attitude. Now, look, I know cops aren't perfect. I get it. Some of our police officers get out of line intentionally. And when they do, they should be punished. But do you know when a radical jihadist who happens to be a Muslim blows up a school full of school children, we are told don't blame all Muslims because of the acts of a few.

And, gosh, I agree with that, and I know the Presiding Officer does too. How come the same rule doesn't apply to cops? I don't understand. This anti-law enforcement sentiment, understandably, has resulted in lower morale among cops. Duh. It has led to massive resignations. It has led to massive early retirements.

It has in my State, and it has in most other States. It turns out that when you spend years vilifying police officers and making it harder for them to do their job, some of them no longer want to stay. That is not surprising.

In the city of New Orleans, we have fewer than 1,000 police officers. We need 2,000. This year alone, more than 100 police officers have already quit. That is around the same number of police officers who resigned, retired, or were fired in 2020. And these statistics are nationwide; it is not just New Orleans.

The Dallas Police Department is down 550 law enforcement officials. In Portland, OR, the department is looking to fill more than 100 positions for cops.

A headline from last week said:

As officers leave in droves, New Orleans PD's response times soar to 2.5 hours.

That is not the way our country should work.

Now, you can talk about defunding the police all day, and I don't want to paint with too broad a brush here—not everyone does. But too many people do.

But the reality is that defunding the police results in delayed responses to 9-1-1 phone calls. It demoralizes cops. It causes a lack of good recruits, and it causes our communities to be less safe.

I don't know why this is—if I make it to Heaven, I am going to ask—but there is some people in our society—not just in America but throughout the world—these people are not sick; they are not mixed up; they are not confused. It is not that their mother or their father did not love them enough. They are just antisocial.

I don't know why, but they are. And they hurt other people. And they steal other people's stuff. And they can't live in society. And to protect us from them, we have to have law enforcement. It is just that simple.

So here is, in my opinion, what we do, because it is hard not to notice that what we are doing right now is not working. I don't mean to be cruel, but a lot of Americans look around at the people who are disrespecting and defunding the police—or trying to—and the attitude of those Americans is, look, don't bother to send in the clowns; they are already here.

The American people want and deserve better. What should we do? No. 1, we have to empower our cops. And when they make a mistake intentionally, when they intentionally violate their oath, they should be punished. But that is a small minority of our law enforcement officials. So we need to empower our cops.

As I said, we have too many people in positions of authority who really think cops are a bigger problem than criminals. We have to pay our cops. We have got to hire more of them. We have got to stand behind them.

When they make a split-second decision, they shouldn't be thinking, Oh, my God, I might lose my family and my home and my job. When they act in good faith and they have to make a split-second decision, we have to stand behind them. And we have to tell our police officers to enforce all laws—not just the big ones, the little ones. And we have to get rid of the ''hear no evil, see no evil, prosecute no evil'' prosecutors.

It is also important that we ask ourselves another question: Why is it that so many young offenders—especially in our inner cities—why is it that so many of these young criminals are more likely to grow up and go to prison than own a home or get married? Why is that?

Because that is true, and that is an embarrassment. And I will give you one reason: Because their schools suck. They do. Too many of our schools are failure factories. We need to fix them. We need to find out which of our teachers can teach and pay them. We need to find out which of our teachers can't teach and either teach them how or tell them to find a new line of work.

I can't recite to you the first six Presidents of the United States in proper order, but I will never forget, ever, my first, second, third, fourth, fifth, and sixth grade teachers. Teachers matter. We need to have no-excuses schools. I believe every child can learn; I do. It is tougher for some than others, but I believe that every child can learn.

And I think we need a new rule: I don't care how old you are—I don't care—you are not going to get out of the third grade until you can read and write. No exceptions. None.

And also, I think we have to give our public schools some competition. We need more charter schools. We need more school choice. We need to empower our parents. Give them vouchers. Give those public schools some competition. It will make all of our schools better.

I want to end this way: Look, it is hard to be a cop. It is hard to be a cop. And cops are like all the rest of us; they are not perfect. They make mistakes.

But only a small, small, small percentage intentionally violate their oath. We need to empower those that abide by their oath because they are the ones keeping our communities safe.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KELLY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—Executive Calendar

Mr. SCHUMER. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 1100, Roopali H. Desai, of Arizona, to be U.S. Circuit judge for the Ninth Circuit; that there be 10 minutes for debate, equally divided in the usual form, on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

JENNA QUINN LAW

Mr. SCHUMER. Mr. President, I ask unanimous consent to vitiate the previous actions on S. 734.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 734 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 734) to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Cornyn amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5195) was agreed to, as follows:

(Purpose: To require reports on the program of child sexual abuse awareness field-initiated grants)

In section 2, insert ''(a) IN GENERAL.—'' before ''Section 105(a)''.

At the end of section 2, insert the following:

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that describes the projects for which funds are expended under section 105(a)(8) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)(8)) and evaluates the effectiveness of those projects; and

(2) submit the report to the appropriate committees of Congress.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the appropriate committees of Congress.

The bill (S. 734), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jenna Quinn Law''.

SEC. 2. CHILD SEXUAL ABUSE AWARENESS FIELD INITIATED GRANTS.

(a) IN GENERAL.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended by adding at the end the following:

''(8) CHILD SEXUAL ABUSE AWARENESS FIELD-INITIATED GRANTS.—The Secretary may award grants under this subsection to entities, for periods of up to 5 years, in support of field-initiated innovation projects that advance, establish, or implement comprehensive, innovative, evidence-based or evidence-informed child sexual abuse awareness and prevention programs by—

''(A) improving student awareness of child sexual abuse in an age-appropriate manner, including how to recognize, prevent, and safely report child sexual abuse;

''(B) training teachers, school employees, and other mandatory reporters and adults who work with children in a professional or volunteer capacity, including with respect to recognizing child sexual abuse and safely reporting child sexual abuse; or

''(C) providing information to parents and guardians of students about child sexual abuse awareness and prevention, including how to prevent, recognize, respond to, and report child sexual abuse and how to discuss child sexual abuse with a child.''.

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that describes the projects for which funds are expended under section 105(a)(8) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)(8)) and evaluates the effectiveness of those projects; and

(2) submit the report to the appropriate committees of Congress.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the appropriate committees of Congress.

NATIONAL LOBSTER DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 742, National Lobster Day, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 742) designating September 25, 2022, as ''National Lobster Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 742) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

CONGRATULATING THE COLORADO AVALANCHE ON WINNING THE 2022 STANLEY CUP FINAL

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate

proceed to consideration of S. Res. 743, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 743) congratulating the Colorado Avalanche on winning the 2022 Stanley Cup Final.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 743) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, AUGUST 4, 2022

Mr. SCHUMER. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Thursday, August 4; 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 the consideration of S.J. Res. 55, and that at 1:45 p.m. the Senate vote on passage of the joint resolution; further, that upon disposition of the joint resolution, the Senate execute the previous order with respect to the Desai nomination; finally, that if any nominations are confirmed during Thursday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. For the information of the Senate, there will be two rollcall votes at 1:45 p.m., with additional rollcall votes possible.

MORNING BUSINESS

TRIBUTE TO RECIPIENTS OF THE CONGRESSIONAL AWARD

Mr. MCCONNELL. Mr. President, today I wish to congratulate this year's winners of the Congressional Award. Established by Congress in 1979, the award recognizes the achievements of young Americans between the ages of 14 and 23 years old and celebrates their accomplishment in four program areas: voluntary public service, personal development, physical fitness, and expedition/exploration.

The award challenges participants to set goals in an area that interests them, encourages them to pursue new interests, and helps them grow along the way. If they are successful in their pursuit, they earn bronze, silver, and gold certificates and medals. Through this long-running program, generations of young Americans have learned new skills, earned greater confidence, and positioned themselves for future success.

On Friday, August 5, Gold Medal recipients will gather for a virtual ceremony to receive their Congressional Award. On behalf of the U.S. Senate, I would like to congratulate all of the winners for their accomplishments and for the example they set for their peers. Among this impressive group, my State of Kentucky is home to nine gold medalists.

Mr. President, I ask unanimous consent that a list of this year's recipients of the Congressional Award Gold Medal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alabama: Barbara (Belle) Kelly

Arizona: Charles Zhang, Catherine Ross, Baraa Abdelsalam, David Conners, Nathan Devey, Jack Gray, Ryan Grosso, Allison Li, Abby Wolf

Arkansas: Etana Morse

California: Alessandra Alcala, Valerie Lee, Sonia Burns, Emir Dine, Eric S. Lee, Andrew Sung, Sophia Lin, Aiden Chow, Bridget Chung, Nicholas Taylor, Kyle Min, Lauren Yu, Annabelle Yaeun Park, Manuel Choi, Gina Lee, Daniel Chang, Catherine Liu, Hawon Cho, Benjamin Kim, Nathan Park, Ethan Lee, Rachel Yun, Victoria Choi, Jade Bahng, Denny Lee, Chloe Kim, Chanah Park, Taeil Kim, Junsun Ho, Tyler Huang, Seok Woo Kim, Jesse Dong, Serim Jang, Maya Rosenbaum, Emily Doi, Jianhui (Edward) Liu, Yumin Kim, Amber Kim, Andrew Chung, Ellen Kang, Sharon Kim, Nathan Kim, Rachel Hong, Sangjun Shin, Kai Indeglia, Andre Lombardi, Hannah Kim, Anaiya Abney, Kevin Ann, Jacob Arca, Metin Aslan, Marcus Au, Tessa Augsberger, SaraJane Bacallao, Aaron Baek, Abhinav Balla, Snikitha Banda, Willow Black, Anaahat Brar, Cody Busch-Weiss, Julia Chang, Natalie Chen, Jamie Cho, Hana Choi, Jaemin Choi, Elise Chung, Chan Chung, Aidan Compton, Michael Dai, Keziah De Bie, Lauren Fields, Kacey Fifield, Andres Garcia, Joan Isabelle Go, Vansh Goel, Rachel Gwon, Jaiden Ha, Joshua Han, Angela Hao, Alexander Henderson, Jonathan Hinderaker, Kaiyue Hu, Lucy Hwang, Kate Hyun, Grace Jin, Joanna Jin, Benjamin Joo, Kaila Jung, Stella Jung, Luke Jung, Emma Ka, Jina Kang, Su Kara, Nathaniel Kim, Naomie Kim, David Kim, Doyoon Kim, Sean Kim, Jacob Kim, Jonathan (Junhyeong) Kim, Lena Kim, Minseo Kim, Hyojoong (Eric) Kim, Michelle Kim, Eunyul (Esther) Kim, Joanne Kim, Joon Kim, Annabelle Kim, Jonathan Kim, Rebecca Kim, Hajin Kim, Joshua Kwon, Juliana Lawrence, Vivian Lee, Min Young Lee, Helen Lee, Brian Lee, Kurtis Lee, Han Lee, Hyun (Henry) Lee, Weixuan (Demi) Lei, Shengyi Li, Shani Lin, Madeleine Lloyd, John (Will) Logue, YingZhi Ma, lshan Madan, Michael McPhie, John McPhie, Troy Miyazato, Sarah Mohammed, Kishant Mohan, Hannah Moon, Donovan Morgan, Roma Nagle, Michael Nam, Keyon Namdar, Ryan Namdar, Andrew Ngai, Joseph Oh, James Oh, Saanvi Pabbichetty, Brent Park, Seohyun Park, Angelina Park, Hanna Partovi, Curtis Peters, Jack Quach, Yasmeen Qubain, Xinrui (Eric) Que, Sahana Raj, Maren Ritterbuck, Sofia Roberts, Tiana Salisbury, Janav Shah, Saiya Shah, Andrew (Woohyun) Shin, Alissa Shterenberg, Levent Sirtas, Kate Smith, Austin Son, Rachel Song, Deborah Song, Jake Song, Saurish Srivastava, Nesha Subramaniam, Eshan Subramaniam, Norah Takehara, Tatton Thompson, Ethan Tobey, Betul Serra Tulu, Emre Berk Uludag, Stefan Vin, HaoZhou Wang, Ethan Won, Kyle Woo, Charis Woo, Esther Wu, Shengnan Ye, Ethan Yee, Luciano Yi, Aaron Yoon, San (Martin) Yoon, Fengtianye Yu, Alexander Yue, Hannah Zhang, Joanna Zhu, David Song

Colorado: Soleil Gaylord, Jonathan Crowe, Ella Davis, Stephen Zhang

Connecticut: Caroline Tucker, Patrick Vicente, Brian Karle, Taylor Roy, Kennedi Muller, Alexia Anglade, Mallory Doyle, Kayla Roy, Brooks Barry

Florida: Kayra Akin, Karalynne Alliss, Caleb Amador, Blaine Baxter, Ainsley Boyd, Jordan Card, Allison Card, William Charouhis, Ashley Colegrove, Grace Donath, Avery Doty, Savannah Virginia Elizondo Vega, Gillian Falls, Eric Feichthaler, Tyler Feichthaler, Nicholas J. Forester, Owen Gelberd, Anna Grawunder, Meghan Heilpern, Andrea Holloway, Jonathan Howes, Breana Huggins, Austin Knight, Marcella (Ella) Ladd, Sophia O'Donnell, Ashwin Parthasarathy, Callahan Pirozzi, Colton Price, Garrett Rose, Kate Small, Andie Smith, Brandon Spohn, G. Logan Taylor, Marco Gino Thomas, Giavanna Vastola

Georgia: Darshan Addepalli, Zachary Beddingfield, Meghana Choragudi, Shivam Jain, Akshadha Jain, Vihan Chander Kamala, Yugeshwar Muralidhar, Zeynep Ozdemir, Jordan Smothers, Sabrina Yeh, Sophia Ying

Hawaii: Kai Moriyama, Sophie Nguyen, Jaime Wang, Annie Wang

Illinois: Caitlin Wilson, Paige Bowman, Michael Goodall, Jocelyn Canellis, Emily Yoo, Joy McClintick, Ermina Hassan, Aishvarya Godla, Krithik Praveen, Abigail Bergan

Idiana: Matthew Stachler, Allison K Pemberton, Rex Burkman

Iowa: Emily Poag

Kansas: Matthew Schmidt, Dorothy Caisley, Aaram Salam, Pranav Pathapati, Phoebe Martin, Amanda Zhu, Abigail Lopatofsky

Kentucky: Kalea Alexander, Madelyn Faughn, Clarissa Miller, Quinn Miller, Andrew Nichols, Jada Smith, Sydney Sun, Chloe Yates, Olivia Claire Yates

Louisiana: Kelsie Tillage

Maryland: Benjamin Lee, Elena Grant, Louis Gasper, Byron Wu, Josef Marschall, Stone Li, Miriam Talalay, Stella Szostak, Caroline Herring, Julianne Herring

Massachusetts: Taban Malihi, Amrik Eadara, Anya Mittal, Lars Gubitosi, Shea Furse, Theodor illarionov, Tiffany Hu, Lindsey E. Arruda

Michigan: Isabella Cook, Pooja Kapoor

Minnesota: Giselle Johnson

Mississippi: Katie Evans, Parker Henry

Missouri: Patrick Mason, Abigail Mueller, Rhea Patney, Michael Smith

Nebraska: Carmela Rigatuso

Nevada: Lexie Wilder, Rida Ali, Brayden Mendoza

New Hampshire: Sage Herr

New Jersey: Riya Karande, Varija Mehta, Seung Hee Rhew, Evan Kuster, Dhruv Parikh, Matthew Reiter, Helena Rittenhouse, Andrew Ge, Michael Caggiano,

Shivam Syal, Mahek Shah, Shannon Rhatigan, Riya Goel, Naomi Klein, Christopher John, Anusha Bansal, Owen Brown, Megan Szot, Naaz Syed, Annika Santhanam, Tanish Tyagi, Lauren Doliszny, Katherine Doliszny, Joshua Whitaker, Gabrielle Akiatan, Chaitanya Bhimineni, Anish Chaganti, Paige Vrankovic, Lily Mahabir, Kate Minn, Preeti Chemiti, Mirika Jambudi, Elif Cebe, Mirella Richard, Anika Parthiban, Dhruv Balaji

New York: Srivaths Ravva, Philemon Han, Caroline Fouts, Jessica Dantoni, Jay Kim, Armaan Pahuja, Jocelyn Greshes, Druery Czarkowski, Anthony Ciampi, Andrew Choy, Vishala Swami, Tahirah Abdul-Qadir, Nicole Cioffi, Kevin Harrington, Alexandra Osilovskiy, Shreya Narayan, Tvisha Faria, Jane Robinson, Cindy DeDianous, Aidan Kielty, Sophia Baldassarre

North Carolina: Kayla Anderson, Phillip Bartlett, Gabriel Bonomo, Reagan (Charlee) Brown, Joshua Dong, Marcus Freeman 111, Aria Gholizadeh, Lauren Gregg, Sarah ''Sorren'' Gregg, Eliana Hounslow, Andrew Hubertus Joseph Juhasz, Santosh Kandula, Vaishnavi Kode, Avery Lester, Jerry Lin, Peter John Liotino, Sriya Mannepalli, Jadon Palmeter, Parker Rose, Brynne Van Allsburg, Austin Winkelspecht, William Witte, Ashrith Yelavarti, Harrison Yost

Ohio: Naveen Kamath, Anna Houseknecht, Glenn Ochsner, Katrina Beer, Ian Wright, Neha Jasti, Pranav Krishnan, Tanya Keskar, Nithya Duddella, Rishika Jeyaprakash

Oklahoma: Bruce Bigler, Phillip Kane, Emma Linsenmeyer, Benjamin Martin, Ashlyn Milford, Caleb Tham

Oregon: Karlynn Kenny

Pennsylvania: Justine Eng, Waverly Huang, Alexander Wood, Genevieve Barge, Qingqing Zhao, Anker Zhao, Nicole Rozanski, Anna Laible, Shivani Jajoo, Madeleine Day, Nathanael Chen

Rhode Island: Brittan Gallo

South Carolina: Robert ''Wesley'' Quinn, Hannah Cate Smith

Tennessee: Rachel Baker, Hadley Brown, Katherine Koester, Joshua Mi

Texas: Barret Allen, Karthik Bhagavatula, Reese Billedo, Saahas Bondalapati, Salim Budak, Kai Campbell, Akif Celepcikay, Alaqmar Chawalwala, Maria Cheng, Seoyeon Chung, Aylin Cibik, Aesha Derasari, Pragya Devashish, Muhammed Bera Dogan, Margaret Dorsey, Martha Grace Fields, Sriyuktha Ghanta, Nicolas Gonzalez, Eric Gonzalez, Sofia Guiot Villarreal, lshayu Gupta, Serene Haroon, Suhani Jampala, Courtney Janecka, Vinayak Joglekar, Mihir Kalvakaalva, Jane Kamata, Mucteba Karaca, Aaliyah Khan, Andy Kim, Aarushi Lakhi, Michala Lee, Francisco Lugo Gonzales, Sandhya Mahesh, Sydney Mathew, Welles McDevitt, Busra Olmez, Juhi Pandit, Baxter Perry-Miller, Sanjana Perungulam, Pranav Police, Ryan Schlimme, Sohum Sharma, Lauren Stump, Vibha Velur, William Wallis, Bennett Welsh

Utah: Jasmine Brensan, Rivanna Buechner, Jessica Cardon, John Evershed, Ashley Herbert, William Herbert, Anagha Rao, Benjamin Woodfield

Virginia: Sarah Chang, Madeleine Dearie, John Dozier, Eric Feng, Ramya Griddaluri, Noelle Koo, Chase Mccullough, Natalia Nelson, Hannah Nguyen, Joshua Nichols, Emily Ocasio, Susan Pirnat, Ross Roberts, Kushaan Saran, Divya Singh, John Paul Sommer, Hudson Stolz, Lynn Tao, Gent Veizi, Justinian Wright

Washington: Josiah Stewart, Andrew Champlin, Cara Elzie, Roxanne Fredericksen, Vanesha Hari, Connor Huang, Benjamin Kinder, Jack Pietrusiewicz, Evan Ping, Anya Vaish

Washington, DC: Roshan Natarajan

Wisconsin: Daphne Wu, Maximilian Hong

Wyoming: Dawson Fantin, Nathan Duda, Kora Williams, Allison Morrison, Harris Tanner, Faith Danner, Alexandra Robert, Karli Nelson, Megan Zotti, Brooke Bindl, Gracie McGraw, Seneva Sullivan, Carl Gray, Faith Brandt, Hudson Garner, Ellie Weibel, Berkeley Snyder, Koye Gilbert, Henry Dickinson, Rachel Kuntz

NATO

Mr. KING. Mr. President, I ask unanimous consent to have the following article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A UNIFIED SENATE, AND A UNIFIED NATO—OPINION

(By Senator Angus King (I–Maine))

Six months ago, President Vladimir Putin ordered Russian troops to invade Ukraine with no provocation, breaking a European peace that has lasted since the Allies turned back Adolph Hitler's attacks during World War II. Today, this new dictator with delusions of grandeur is threatening global peace, and history shows that we cannot stand by and hope for the best. The free world must defend our shared values; that begins with presenting a united front.

This week, the U.S. Senate took a historic step to meet that responsibility by voting to approve Sweden and Finland's applications to join the NATO Alliance. The vote was overwhelming, and bipartisan—in total, the applications were approved by a vote of 95 to 1. The result shows that Putin's egregious and brutal power-grab has unified the U.S. Senate—just as it has unified the broader global community.

Since the war in Ukraine began, thousands of innocent Ukrainians have been killed, millions have been forced from their homes, and billions around the globe have been forced to shoulder increased costs on fuel and food. The damage wrought by Putin's forces is nothing short of horrific—but if Putin expected the rest of the world to roll over and accept his invasion, he miscalculated. Badly.

If you want evidence of this miscalculation, you need look no further than the state of North Atlantic Treaty Organization, which has been reinvigorated in light of Putin's aggression and is only getting stronger. A wide range of countries have come together to provide military and humanitarian aid to help Ukrainians stand strong. Beyond supporting Ukraine during the current crisis. NATO members have also reaffirmed their commitment to one another in the event of further Russian aggression.

The crisis also prompted Sweden and Finland—two proud and strong nations that have long remained neutral—to seek accession into NATO. The addition of the two Nordic nations will make NATO stronger and more unified in the face of Putin's misguided and murderous ambitions to rebuild the Soviet Union.

I saw the potential benefits of these new additions earlier this year, when I traveled to Finland as part of a bipartisan congressional delegation (called a CODEL) shortly after they formally requested NATO membership. My colleagues and I met with the nation's president and his top defense officials to discuss the nation's position in the current state of play. Finland has a long history of dealing with Russia—a necessity, given the two nations' shared 800–mile border. They also have a very capable military, as does Sweden.

Combined, the two nations will strengthen the defensive capabilities of NATO—and I must stress the importance of NATO's defensive nature. NATO's charter does not require member nations to enter into proactive military activities; rather, military action is only invoked in collective defense. This is why Russian accusations of new threats posed by a larger NATO are flat-out false; the only way these new additions could create conflict between Russia and NATO is if Russia intends to launch yet another violent invasion of a peaceful neighbor.

On the heels of the Senate's overwhelming vote, I am hopeful that Finland and Sweden's applications will move forward swiftly. The lone NATO member that has expressed hesitancy to admit the new members, Turkey, has also demonstrated a willingness to waive its concerns if certain conditions are met. Our bipartisan CODEL also traveled to Turkey shortly after we left Finland, seeking to talk through their concerns and address their needs through tangible actions. My Senate colleagues and I left our meetings optimistic that the differences between Turkey and the Nordic nations can be resolved—and it now appears this is the case.

This week's vote and our trip to Eastern Europe has made one thing abundantly clear: the free world stands united against Vladimir Putin's would-be empire building, and is ready to respond against his illegal and immoral military attacks. NATO, the United States, and the U.S. Senate will not allow him to destroy freedom-loving nations; we will stand with our allies, as we have in the past, united against deposition.

(At the request of Mr. SULLIVAN, the following statement was ordered to be printed in the RECORD.)

NATO

● Mr. CORNYN. Mr. President, due to unforeseen circumstances I was unable to be present today for votes on amendment No. 5192 to the Resolution of Advice and Consent to Ratification for the Accession of the Republic of Finland and the Kingdom of Sweden to NATO. I offer this statement for the RECORD in support of amendment No. 5192 and in support of the underlying resolution.

Amendment No. 5192, offered by my good friend from Alaska, Mr. DAN SULLIVAN, would amend existing language in the Resolution of Advice and Consent to say, ''the Senate declares that all NATO members should spend a minimum of 2 percent of their gross domestic product on defense and 20 percent of their defense budgets on major equipment, including research and development, by 2024, as outlined in the 2014 Wales Summit Declaration.'' This language is stronger and clearer than the current resolution language, and it would deliver a clear message to the President that Congress expects him to engage our allies on alliance spending obligations.

Finally, the Resolution of Advice and Consent to Ratification for the Accession of the Republic of Finland and the Kingdom of Sweden to NATO would add two excellent allies who will be significant contributors to the NATO Alliance. Finland and Sweden both possess fully funded, modern, self-sufficient, highly capable militaries. Their addition to the NATO alliance will help to share the burden of NATO defense

obligations among NATO allies. This will enable the U.S. to focus its own forces where they are needed most, be that in Europe or in the Indo-Pacific.●

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–50, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost $162.07 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDDIAH P. ROYAL,
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 22–50

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Greece.

(ii) Total Estimated Value:

Major Defense Equipment* $0 million.

Other $162.07 million.

Total $162.07 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase: Foreign Military Sales (FMS) case GR-P-BBK, was below congressional notification threshold at $89.47 million (all non-MDE) and included equipment and services to continue support and sustainment of S–70B helicopters. The Government of Greece has requested the case be amended to increase funding and add Contractor Logistics Support/Field Service Representative and/or Contractor provided in-service training. This amendment will push the current case above the non-MDE notification threshold and thus requires notification of the entire case.

Major Defense Equipment (MDE):

None

Non-MDE: Included is follow-on support and sustainment of S–70 helicopters including: aircraft spares; consumables, repair parts, components and accessories to support S–70B/S–70B6 aircraft; repair of S–70 type aircraft and procurement of parts to include aircraft mission system upgrades; existing radar and sonar obsolescence management; gun mount procurement; unclassified publications required for aircraft operation and maintenance (in the English language); U.S. Government and contractor technical assistance and services; expedited contractual award efforts; evaluation and tailoring solutions of technical issues; provide inputs to planning documents; integration, engineering, testing requirements, obsolescence remediation, equipment upgrades, planned product improvements, Integrated Logistic Support (ILS) management services, and Return, Repair and Reshipment of unserviceable repairable items/equipment; spare parts; Original Equipment Manufacturer (OEM) technical services; technical assistance and travel; OEM program management in the Continental U.S. (CONUS) and Greece; obsolescence driven upgrades; OEM/contractor upgrade program management; engineering analyses, studies and development/validation/test of upgrade solutions; retrofit kit procurement and subsequent installation; publications and Repair of Repairable efforts; Contractor Logistics Support to include Field Service Representative and/or Contractor provided in-service training; and other related elements of logistics and program support.

(iv) Military Department: Navy (GR-P-BBK).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc. Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: August 1, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Greece—S–708 Program Follow-On Support and Sustainment

The Government of Greece has requested to buy follow-on support and sustainment of S–70 helicopters including: aircraft spares; consumables, repair parts, components and accessories to support S–70B/S–70B6 aircraft; repair of S–70 type aircraft and procurement of parts to include aircraft mission system upgrades; existing radar and sonar obsolescence management; gun mount procurement; unclassified publications required for aircraft operation and maintenance (in the English language); U.S. Government and contractor technical assistance and services; expedited contractual award efforts; evaluation and tailoring solutions of technical issues; provide inputs to planning documents; integration, engineering, testing requirements, obsolescence remediation, equipment upgrades, planned product improvements, Integrated Logistic Support (ILS) management services, and Return, Repair and Reshipment of unserviceable repairable items/equipment; spare parts; Original Equipment Manufacturer (OEM) technical services; technical assistance and travel; OEM program management in the Continental U.S. (CONUS) and Greece; obsolescence driven upgrades; OEM/contractor upgrade program management; engineering analyses, studies and development/validation/test of upgrade solutions; retrofit kit procurement and subsequent installation; publications and Repair of Repairable efforts; Contractor Logistics Support to include Field Service Representative and/or Contractor provided in-service training; and other related elements of logistics and program support. The estimated total cost is $162.07 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally, which is an important partner for political stability and economic progress in Europe.

The proposed sale will improve Greece's capability to meet current and future threats by providing an effective combatant deterrent capability to protect maritime interests and infrastructure in support of its strategic location on NATO's southern flank. Follow-on support and sustainment of Greece's existing fleet of S–70 helicopters enhances stability and maritime security in the Eastern Mediterranean region and contribute to security and strategic objectives of NATO and the United States. Greece contributes to NATO operations, as well as to counterterrorism and counter-piracy maritime efforts and performs invaluable Search and Rescue (SAR) functions in the region. Greece will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Bethesda, MD. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government personnel but will require one (1) contractor representative, Full-Time Equivalent (FTE) position to Greece to continue follow-on support and sustainment to Greece's S–70B/S–70B6 helicopters.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

CERTIFICATION PURSUANT TO §620C(d) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C (d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163, State Department Delegation of Authority No. 293–2, and State Department Delegation of Authority 510; I hereby certify that the furnishing to Greece of parts and services to support follow-on depot level maintenance and sustainment of F100–PW–229 engines is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed

in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA 22202.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–32, concerning the Missile Defense Agency's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense articles and services estimated to cost $2.245 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–32

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the United Arab Emirates.

(ii) Total Estimated Value:

Major Defense Equipment * $1.820 billion.

Other $.425 billion.

Total * $2.245 billion.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Ninety-six (96) Terminal High Altitude Area Defense (THAAD) Missile Rounds.

Two (2) THAAD Launch Control Stations (LCS).

Two (2) THAAD Tactical Operations Station (TOS).

Non-MDE: Also included are repair and return, system integration and checkout, and spare and repair parts; support and testing equipment; publications and technical documentation; construction activities; encryption devices; secure communication equipment; other required COMSEC equipment; and other related elements of logistical and program support.

(iv) Military Department: Missile Defense Agency (AE–I–UBC).

(v) Prior Related Cases, if any: AE–I–UBB, AE–B–UAE, AE–B–UAF, AE–B–UDR, AE–B–OAE.

(vi) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: August 2, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—Terminal High Altitude Area Defense (THAAD) System Missiles and THAAD Fire Control and Communication Stations

The Government of the United Arab Emirates (UAE) has requested to buy ninety-six (96) Terminal High Altitude Area Defense (THAAD) missile rounds; two (2) THAAD Launch Control Stations (LCS); and two (2) THAAD Tactical Operations Stations (TOS). Also included are repair and return, system integration and checkout, and spare and repair parts; support and testing equipment; publications and technical documentation; construction activities; encryption devices; secure communication equipment; other required COMSEC equipment; and other related elements of logistical and program support. The total estimated program cost is $2.245 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE is a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed sale will improve the UAE's ability to meet current and future ballistic missile threats in the region, and reduce dependence on U.S. forces. The UAE will have no difficulty absorbing this equipment into its armed forces, as it currently employs the THAAD system.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Space Systems Corporation, Sunnyvale, CA. It is anticipated the purchaser will request offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the UAE.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–32

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Terminal High Altitude Area Defense (THAAD) system is the first weapons system with both endo- and exo-atmospheric capability specifically developed to defend against ballistic missiles. The higher altitude and theater-wide protection offered by THAAD provides more protection of larger areas than lower-tier systems alone. THAAD is designed to defend against short, medium and intermediate range ballistic missiles. The THAAD system consists of four major components: Fire Control/Communications System (comprised of the Tactical Operations Station, Launch Control Station, and System Support Group), Radar, Launchers and Interceptors.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the UAE can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the United Arab Emirates.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–48, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost $300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–48

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the United Kingdom.

(ii) Total Estimated Value:

Major Defense Equipment* $145 million.

Other $155 million.

Total $300 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Five hundred thirteen (513) Javelin Lightweight Command Launch Units (LWCLUs).

Non-MDE: Also included are Javelin LWCLU Basic Skills Trainers (BSTs); Javelin Outdoor Trainers (JOTs); Javelin Vehicle Launcher Electronics (JVL–Es); Javelin LWCLU Train the Trainer Package; Lifecycle Support; System Integration and Check out (SICO); Javelin Operator Manual; Technical Assistance (TAGM); and other related elements of logistical and program support.

(iv) Military Department: Army (UK–B–WVA).

(v) Prior Related Cases, if any: UK–B–WML, UK–B–WUJ.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: August 1, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—Javelin Lightweight Command Launch Units

The Government of the United Kingdom has requested to buy five hundred thirteen (513) Javelin Lightweight Command Launch Units (LWCLUs). Also included are Javelin LWCLU Basic Skills Trainers (BSTs); Javelin Outdoor Trainers (JOTs); Javelin Vehicle Launcher Electronics (JVL–Es); Javelin LWCLU Train the Trainer Package; Lifecycle Support; System Integration and Check out (SICO); Javelin Operator Manual; Technical Assistance (TAGM); and other related elements of logistical and program support. The total estimated program cost is $300 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the United Kingdom's capability to meet current and future threats. The United Kingdom will use the enhanced capability to strengthen its homeland defense and deter regional threats. The United Kingdom will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be the Javelin Joint Venture (JJV). There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–48

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 43.5 pounds and has a maximum range in excess of 4,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Light Weight Command Launch Unit (LWCLU) and a round contained in a disposable launch tube assembly. The LWCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

4. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the United Kingdom.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–26, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $3.05 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDIDIAH P. ROYAL,
(for James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 22–26

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment* $2.75 billion.

Other $0.30 billion.

Total $3.05 billion.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:

Major Defense Equipment (MDE):

Three hundred (300) PATRIOT MIM–104E Guidance Enhanced Missile-Tactical Ballistic Missiles (GEM-T).

Non-MDE: Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; New Equipment Training; Transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance; engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support.

(iii) Military Department: Army (SR–B–ZAR).

(iv) Prior Related Cases, if any: SR–B–JBV.

(v) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(vii) Date Report Delivered to Congress: August 2, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—PATRIOT MIM–104E Guidance Enhanced Missile-Tactical Ballistic Missiles (GEM-T)

The Kingdom ofSaudi Arabia has requested to buy three hundred (300) PATRIOT MIM–104E Guidance Enhanced Missile-Tactical Ballistic missiles (GEM-T). Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; New Equipment Training; Transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance; engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support. The total estimated cost is $3.05 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf region.

The proposed sale will improve the Kingdom of Saudi Arabia's capability to meet current and future threats by replenishing its dwindling stock of PATRIOT GEM-T missiles. These missiles are used to defend the Kingdom of Saudi Arabia's borders against persistent Houthi cross-border unmanned aerial system and ballistic missile attacks on civilian sites and critical infrastructure in Saudi Arabia. These attacks threaten the well-being of Saudi, International, and U.S. citizens (approximately 70,000) residing in the Kingdom. The Kingdom of Saudi Arabia will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Corporation, Tewksbury, MA. The purchaser normally requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Kingdom of Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–26

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Techno]ogy:

1. The PATRIOT MIM–104E Guidance Enhanced Missile-Tactical Ballistic Missile (GEM-T) is the latest in-production series of the highly successful Raytheon Patriot missile variants available to both U.S. forces and international customers. GEM-T deliveries to the U.S. Army began in 2006. This capability adds a low-noise oscillator for improved acquisition and tracking performance in clutter. The GEM-T missile provides an upgraded capability to defeat tactical ballistic missile (TBM), aircraft and cruise missile threats in complement to the PAC–3 missile.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Kingdom of Saudi Arabia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

AFGHANISTAN

Mr. CARDIN. Mr. President, I rise today to note that, during this coming recess, we will mark the somber occasion of the 1-year anniversary of the fall of Kabul and the Taliban takeover of Afghanistan. I want to draw the attention of the Senate and the American people to one of our most urgent priorities in Afghanistan: providing immediate assistance for Afghan citizens that risked their lives to further U.S. interests and whose lives now stand in jeopardy should we not act soon.

Nine days—in the short span of 9 days after seizing control of the first province to fall on August 6, 2021—Nimruz—a whirlwind of chaos ensued. The world watched as, one by one, all of the country's provinces fell to Taliban forces until finally reaching the capital Kabul on August 15. With little resistance from the Afghan forces we had trained and equipped over two decades, the Taliban simply entered and took control. In terrified desperation, many Afghans gathered what they could carry with them and fled. People left their whole lives behind—their houses, their jobs, their friends and family—risking their lives to flee the country in the wake of the Taliban takeover. Shocking images of Afghans clinging to U.S. evacuation flights as they took off could not have shown a clearer picture of the despair of so many Afghans.

Amid this panic, the Biden administration acted swiftly to evacuate American personnel and most American citizens.

We joined our international allies to call for a new Afghan Government that is united, inclusive, and representative, including with full participation of women. We joined international voices to reaffirm our commitment to ensuring rights of women and girls in Afghanistan. And along with our NATO allies, we committed to evacuate at-risk Afghans.

And make no mistake, we as Americans remain committed to all these priorities. We stand united with our allies to further these goals and ensure a stable and secure Afghanistan. Central to the Taliban's beliefs is the Pashtun code of ethics, ''Pashtunwaly,'' in which ''nang''—which means honor—stands as the central tenet. It is with ''nang'' in mind that we call on the Taliban to honor their commitment to provide an accountable and inclusive government. We urge them to honor their original and oft-repeated promise to uphold human rights and support education for women and girls—commitments that recent reporting suggests they are not fulfilling.

We call on them to honor their commitment to provide a safe and secure Afghanistan for all Afghans. We join our allies in the international community in these calls for action.

Yet in the aftermath of the fall of Afghanistan, there remains one priority for the U.S. alone to undertake: ensuring the well-being of Afghan citizens who put their lives on the line to serve our country. These are the Afghans who worked at our Embassy and other diplomatic facilities, served as our translators, helped us engage with the Afghan Government, and provided us information and assistance. They are the Afghans that served and studied in U.S.-affiliated centers and universities. They are the Afghans who worked tirelessly to promote our principles as journalists working for U.S.-affiliated outlets, like the Afghan services of RFE/RL, Radio Azadi, and Ghandara. Without their assistance, U.S. lives would have been lost. Without their support, we would have been unable to talk about our U.S. values and priorities to the Afghan people.

Without them, we would not have been able to work with the Government of Afghanistan to promote our shared goal of regional stability and security. To these individuals and their families, we owe a great debt for their assistance. The 77,000 Afghans currently in the pipeline for special immigrant visas, the 44,000 that await processing for their P1/P2 visas, and yet another almost 5,000 that seek humanitarian parole, these individuals are all counting on us. So I call on the State Department to make renewed efforts to expedite these cases.

I would like to recognize that, to date, our government has made enormous strides in this herculean effort; tens of thousands of these individuals were evacuated from Afghanistan following the collapse of the government. Yet tens of thousands more remain stranded in limbo, both in Afghanistan as well as in third countries—among others, in Pakistan, Qatar, UAE, Georgia, Albania, and the Kyrgyz Republic. They wait patiently, many of them running through their personal savings, many unable to work.

We continue to support these individuals, oftentimes maintaining a delicate dialogue with the host countries about the long-term plans for these individuals.

I would like to share with you the story of one such individual whose life hangs in the balance. It is with her permission that I share this story, and I will call her ''Arezo'' to safeguard her anonymity. Arezo is a bright young Afghan woman of Hazara heritage who studied at a U.S. university and later worked for an international human rights NGO. By all accounts, up until the collapse of Afghanistan, she was one of the many Afghans working to build a bright future for Afghanistan. When Kabul fell, like so many others, Arezo shred all the documents tying her in any way to the United States. She knew that if the Taliban discovered this connection, both her life and her family's lives could be at risk.

While attempting to flee, Arezo and her brother were discovered by the Taliban and taken in for questioning about their reasons for wanting to leave the country. Arezo's brother was savagely beaten. Arezo was subjected to a humiliating virginity test. They were both taken into custody for several weeks, during which they endured brutal and inhumane treatment, often ridiculed by the Taliban guards for their Shi'a faith as ''untrue Muslims.''

While incarcerated, Arezo witnessed the brutal rape of a 12-year-old girl at the hands of the Taliban. The crime of this child? She had been imprisoned for riding in local transport without a male family member escort. Miraculously, after external pressure, Arezo was released, but not without the threat hanging over her head that the Taliban would keep tabs on her. Arezo now waits for the United States to process her visa. Hers is one of the over 44,000 cases that remain backlogged, while her life hangs in the balance.

I tell you this: It is in our direct, immediate interest to dedicate and reallocate resources to resolve pending cases like those of Arezo.

Until we resolve their cases, we continue to expend enormous U.S. resources to support them in third countries, with no clear end in sight. We continue to ask much of our bilateral partners that have generously agreed to take in these evacuees. Our Embassies and government Agencies will continue to struggle with the overload caused by the burden of managing these extra cases. But most importantly, we owe it to these individuals who put their own lives on the line for our county to process their cases quickly.

It is no accident that I chose the name ''Arezo'' as a stand-in for the young Afghan woman who, like so many others, awaits our action. Arezo is a Hazara name that means ''hope'' or ''faith.'' And like so many others, she has taken it on faith that the U.S. Government will make good on its promise to take care of the Afghans like her that have served—and continue to serve—U.S. interests and who still believe in the American dream and still believe that America will fulfill her promises.

I encourage that at all levels of government, we work to identify resources to reallocate towards this goal. We have the resources, but we must redirect these resources and make it a top priority. I call on our State Department and USCIS colleagues to elevate the task of processing cases to a high priority status. I propose that we convene in committee to discuss additional ways that Congress can support the successful resolution of their cases and permanent resettlement. On the eve of the 1-year anniversary of an ignominious American withdrawal from Afghanistan, after a two-decade effort, I urge that across all lines of government, we recognize this priority and work promptly to resolve the cases of the many Afghans who have put their lives on the line for our country.

PUBLIC SAFETY OFFICER SUPPORT ACT

Ms. DUCKWORTH. Mr. President, this week, the U.S. Senate acted, unanimously, to honor our Nation's dedicated law enforcement officers, firefighters, and emergency responders by passing the Public Safety Officer Support Act, known as PSOSA.

I was proud to author the bipartisan Public Safety Officer Support Act and want to thank Senator CORNYN and Senate Judiciary Committee Chairman DURBIN for their steadfast leadership and hard work in helping pass this vital legislation that seeks to modernize the Public Safety Officers' Benefits Program by recognizing that, when a public safety officer dies by suicide, there should be a rebuttable presumption that the loss should be designated as a line of duty death.

I look forward to President Joe Biden signing the bipartisan Public Safety Officer Support Act into law and remain confident in the U.S. Department of Justice's readiness to effectively implement this important new law. My confidence is rooted in the Department's productive engagement and helpful technical assistance that was provided throughout the development of the final version of PSOSA.

Of course, the Public Safety Officer Support Act would never have passed without the steadfast support and dedication of a wide range of organizations, such as the Fraternal Order of Police, National Association of Police Organizations, Federal Law Enforcement Officers Association, Sergeants Benevolent Association NYPD, National Association of Attorneys General, National District Attorneys Association, Major County Sheriffs Association, National Sheriffs Association, National Border Patrol Council, United States Capitol Police Labor Committee, BLUE H.E.L.P., The Wounded Blue, American Psychological Association, American Foundation for Suicide Prevention, International Union of Police Associations, International Association of Chiefs of Police, National Prison Council, National Narcotics Officers Associations' Coalition, American Federation of State, County and Municipal Employees, National Association for Children's Behavioral Health, International Society for Psychiatric Nurses, Meadows Mental Health Policy Institute, Depression and Bipolar Support Alliance, SMART Recovery, Kennedy Forum, Inseparable, National Council for Mental Wellbeing, National Association for Rural Mental Health, American Mental Health Counselors Association, National Association of Social Workers, Postpartum Support International, National Association of State and Mental Health Program Directors, American Association for Psychoanalysis in Clinical Social Work, and the Association for Behavioral and Cognitive Therapies.

This impressive array of support for PSOSA reflects the importance and urgency of fixing a specific flaw in the Public Safety Officers' Benefits Program. Under current law, despite public safety officers facing a heightened risk for developing posttraumatic stress and having trauma-induced suicides, family member survivors of police officers and firefighters that commit suicide are excluded from the program. This means that surviving families are often left without any Federal support, State and local survivor annuities, or continued access to their loved ones' health insurance.

Comparatively, the U.S. Armed Forces recognizes that servicemember suicides are line-of-duty deaths. More than 90 percent of the 1,107 Active-Duty Army suicides between 2005 and 2012 were determined to be in the line of duty. Just like our servicemembers, our first responders should be recognized and supported for the mental distress they endure while protecting our communities and responding to emergencies. That includes supporting their surviving families after they are gone.

Once signed into law and implemented, the bipartisan Public Safety Officer Support Act will finally provide grieving families the benefits their loved ones earned while serving their communities as public safety officers and, equally important, help us eliminate the harmful stigma and infliction of emotional distress and pain on survivors that stems from misguided and outdated policies that refuse to designate public safety officer suicides as line of duty deaths.

Now, I want to be clear. Ensuring that public safety officer suicides are considered line of duty deaths for purposes of participating in the Public Safety Officers' Benefits Program is about honoring a fallen police officer's or firefighter's life of service. It is about honoring these Americans and caring for their families, just as we do when a public safety officer dies from heart disease or COVID in the line of duty.

Simply put, our bipartisan law will ensure surviving families of fallen public safety officers receive the support their loved ones earned through a life of service.

We are seeking to ensure eligibility for the Public Safety Officers' Benefits Program no longer allows the manner of death to negate a career devoted to public service and serving one's community. And that is why it is also important to emphasize that a presumption of a line of duty death is not an absolute.

Just as committing suicide should not deny a public safety officer and their family a line-of-duty death designation, in and of itself, taking one's life would not entitle a disgraced public safety officer who violated their oath of office to receive a Public Safety Officers' Benefits Program benefit.

It is our intent that the U.S. Department of Justice will review and take into account the potential contributing factors to the officer or firefighters' death or injury and consult the agency investigating the cause and manner of death and the agency of the police officer or firefighter, just as the Department's Bureau of Justice Assistance Public Safety Officers' Benefits Program Office is empowered to do in all other claims submitted to the program.

Moving forward, I hope enactment of the Public Safety Officer Support Act inspires the National Law Enforcement Officers Memorial Fund and other State and local law enforcement memorials to update their respective line-of-duty death criteria to match the Public Safety Officers' Benefits Program. After all, our Nation's support of first responder families is particularly critical following the tragic loss of a police officer, a firefighter, or an emergency responder, and these grieving families deserve to be included among the families of the fallen.

In closing, I want to take a moment to recognize the incredible courage, resilience, and strength of the late Officer Jeffrey Smith's widow, Erin Smith,

and his parents, Richard and Wendy Smith. Their collective determination and commitment to fixing an unjust system to prevent future families of the fallen from having to experience the emotional pain and financial harm resulting from the denial of a line-of-duty death designation, played a pivotal role in the development and passage of the Public Safety Officer Support Act.

I commend Erin, Richard and Wendy Smith for honoring the service of their loved one and hope that Officer Smith's lasting legacy of spurring a long-needed change in the law provides them with comfort and confidence that his tragic loss was not in vain.

TRIBUTE TO NIELS HANSEN

Mr. BARRASSO. Mr. President, today I rise in recognition of the leadership and accomplishments of Wyoming Rancher and Public Lands Council President Niels Hansen.

This is Niels' final year as a member of the Public Lands Council executive council. He will be honored on Friday, August 26 at their 2022 Annual Meeting Banquet hosted in Cody, WY. Niels has served on the PLC's executive council since 2016. He also served as Wyoming's delegate to the PLC's sage grouse task force. Niels is a consistent and strong voice for ranching and the western way of life. His work has had a tremendous impact on public land policy, both nationally and in Wyoming.

Niels is the third generation operator of PH Livestock. Located in the high desert near Rawlins, WY, the ranch's need for proper management and resource conservation is paramount. Niels' great uncles, Peter and Jim Hansen, came to Rawlins from Denmark in the early 1900s to start their own ranches. His father joined them in 1927 and later took over for Jim. Niels and his sister Anna, were the first born in the United States and continue the legacy of their family and their land.

As Niels describes, ''We do not try to maximize anything, but we try to optimize everything. We work to operate in balance with nature by making any adjustments needed to keep the ranch producing a consistent, predictable manner while protecting the land where we live.''

Niels built a reputation as someone who brings stakeholders together to find the best possible solutions. PH Livestock operates on the Bureau of Land Management checkerboard that is spread throughout southern Wyoming. He brought the agriculture industry, energy industry, and Federal and State agencies to the same table to address the challenges of maintaining and improving the land.

Niels has worked with the University of Wyoming and the BLM for over 20 years to monitor and collect data on his land. This data builds the foundation to develop the best practices for the rangeland. Niels constantly shares his dedication and knowledge to advocate for sound policy. He served as chairman of the Wyoming State Grazing Board and president of the Wyoming Stock Growers Association. Niels has testified in front of congressional committees many times. He testified in 2018, during my time as chairman of the Environment and Public Works Committee. Niels promotes cooperation between Federal agencies and landowners. He gives a firsthand perspective of the effects of regulations on the people it impacts the most.

Niels' ability to build relationships and success in conservation was recognized in 2011 when he was inducted into the Wyoming Agriculture Hall of Fame. PH Livestock received the BLM Rangeland Management Stewardship award in 2000. In 2004, the ranch was a cowinner of the Wyoming Stock Growers Association Stewardship Award.

Niels understands the importance of family and tradition to a successful ranch. He has two children with his wife, Barbara. Their daughter Stephanie is married to Reese Irvine, and they have two sons, Eli and Caleb. Their son John and his wife Tawsha Lubbers have two sons, Niels Kai and Jep. Niels' sister, Anna Helms, is his business partner and helps manage the ranch with her two children, Travis and Heidi, along with Travis' son Dane. Niels instilled in his family a love of the land to ensure future generations will enjoy their ranch.

It is a great honor to recognize this exceptional member of our Wyoming community. As I mentioned upon his induction to the Wyoming Agriculture Hall of Fame, ''Wyoming lands—both public and private—are better because of his service.'' My wife Bobbi joins me in extending our gratitude and well wishes to Niels Hansen on his future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO GREG TABOR

● Mr. BOOZMAN. Mr. President, I rise today to recognize U.S. Marshal Greg Tabor whose dedication to law enforcement and community service will be deeply missed following his retirement.

Marshal Tabor's devotion to public safety is grounded in his years of serving and protecting the people of Arkansas.

Greg Tabor earned his police officer certificate from the Arkansas Law Enforcement Training Academy. He began his career as a firefighter and emergency medical technician in Eureka Springs. He worked for a local company before launching his law enforcement career with the Washington County Sheriff's Office. He joined the Fayetteville Police Department in 1985 and honorably served for 34 years, with 13 years as chief of police. In addition, he served as chairman of the board for the Fourth Judicial District Drug Task Force.

He continued his public service as chief of police at the Northwest Arkansas National Airport. In 2020, I was honored to support his confirmation to serve as U.S. Marshal for the Western District of Arkansas.

Given his long and distinguished career in law enforcement, it is no surprise he excelled in the position.

As U.S. Marshal, Tabor helped direct law enforcement responses to local, regional, and Federal investigations and preserve public safety. His career prepared and served him well during his tenure leading the service's Western District of Arkansas branch and carrying on its storied legacy in The Natural State.

His dedication serves as an inspiration for all Arkansans. I applaud his leadership, perseverance and commitment to serving our State and upholding law and order. His guidance and experience have helped us build a better Arkansas.

We can be proud of Marshal Greg Tabor's lifelong service. He has embodied what it means to serve and protect and deserves our thanks for bettering communities in our State.

He is a true public servant whose impact will be felt for years to come. It has been an honor to work with him during his service, and I wish him all the best in his next endeavor.●

RECOGNIZING RUDY'S A COOK'S PARADISE

● Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor Rudy's A Cook's Paradise as the Idaho Small Business of the Month for August 2022.

Constructed in 1904, the oldest continually operating retail store in Twin Falls first housed Price Hardware. Rudy Ashenbrener purchased the store after returning from his time as a fighter pilot instructor in World War II. It remained a hardware store until 2002, when Rudy's son Tom and his wife Megan took over the business, renamed it Rudy's A Cook's Paradise, and turned it into a world of gourmet cooking.

Today, Rudy's offers one of the largest selections of kitchen gadgets in the northwest, including cooking utensils and cookware, wine, beer, and more. The store features a test kitchen where they offer classes on food techniques, artisanal bread baking, and how to throw a dinner party. The 118-year-old building also boasts a vast collection of wine and beer in its lava rock cellar. Rudy's beloved staff goes beyond serving aspiring chefs, providing southern Idaho with opportunities to experience new products, tastes, and techniques. From its home on Main Avenue, Rudy's has found its way into the hearts of many Idahoans.

Congratulations to Tom and Megan Ashenbrener and all of the employees

at Rudy's A Cook's Paradise for being selected as the Idaho Small Business of the Month for August 2022. Thank you for serving Idaho as small business owners and entrepreneurs. You make our great State proud, and I look forward to your continued growth and success.●

TRIBUTE TO REBECA SOSA

● Mr. SCOTT of Florida. Mr. President, I rise today to recognize the work of a wonderful Floridian, Miami-Dade County Commissioner Rebeca Sosa.

Born in Camaguey, Cuba, Commissioner Sosa and her family escaped the island following the Communist Revolution and fled to Puerto Rico, where she grew up. She received her bachelor's degree in secondary education from the University of Puerto Rico, before earning another degree in elementary education from Saint Thomas University in Miami Gardens. She has been an educator for more than 30 years and is currently a teacher-trainer for Miami-Dade County Public Schools.

Since 2001, Commissioner Sosa has also served on the Miami-Dade County Commission as the District Six commissioner. In 2012, she was elected by her colleagues as chairwoman of the county commission, where she served a 2-year term. Before her time on the county commission, she spent 7 years serving as the mayor of the city of West Miami.

Commissioner Sosa has spent her career working to improve the lives of Floridians living in the city of Miami, Coral Gables, West Miami, Hialeah, and Miami Springs. Having fled Cuba, she understands the value of freedom and has sought to create a community in Miami-Dade County that promotes opportunity and prosperity.

In her decades of public service, Commissioner Sosa has done immense good for the residents of Miami-Dade County.

As mayor of West Miami, she helped the city recover from a 52 percent budget deficit and secured more than $5 million in grants for capital improvement projects and improvements to the city's drainage and park systems.

As a county commissioner, she supported transportation projects as she championed Port Miami, signed a sister port agreement with the Puerto Rico Ports Authority, and worked to increase the number of international flights out of Miami International Airport. Commissioner Sosa has also used her position to help improve care for Florida's seniors by creating the Elder Affairs Advisory Board and sponsoring legislation to form what would become the Elder Abuse Task Force. Additionally, her work to protect Florida's environment has been recognized by many, and her successful efforts to secure funding for community projects and parks has improved the lives of Floridians throughout Miami-Dade County.

What is more, as a member of the Cuban diaspora, Commissioner Sosa has used her position to fight for democracy and human rights in Cuba and to stand against the abuses of the illegitimate communist Cuban regime. Last year, she led the county commission to unanimously declare July 11, 2021, to be ''Patria y Vida/SOS Cuba Day'' in Miami-Dade County.

And all along the way, she has sought to improve the economic conditions of Miami, and to support small businesses owners and create jobs for Florida families.

I want to recognize Commissioner Sosa for all of her work to support Floridians living in Miami-Dade County and thank her for friendship and decades of public service. Miami-Dade County and the State of Florida are better off because of her service to the community and to the State, and Floridians wish her the best of luck as she leaves the county commission.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED PETITION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Environment and Public Works be discharged from further consideration of S.J. Res. 55, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Council on Environmental Quality relating to ''National Environmental Policy Act Implementing Regulations Revisions'', and further, that the joint resolution be immediately placed upon the Legislative Calendar under General Orders.

Dan Sullivan, Mitch McConnell, Marsha Blackburn, Steve Daines, Ron Johnson, Roger Marshall, Marco Rubio, Bill Hagerty, Cynthia M. Lummis, Mike Crapo, Shelley Moore Capito, Joni Ernst, Roger F. Wicker, Chuck Grassley, John Thune, Rob Portman, Thom Tillis, Richard Burr, John Boozman, James Lankford, Todd Young, Mike Rounds, Cindy Hyde-Smith, Susan M. Collins, Ted Cruz, Rick Scott, Tom Cotton, Mike Braun, James E. Risch, Mitt Romney.

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Environment and Public Works, by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 55. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Council on Environmental Quality relating to ''National Environmental Policy Act Implementing Regulations Revisions''.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5376. An act to provide for reconciliation pursuant to title II of S. Con. Res. 14.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 7900. An act to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4726. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities, Requirements, Definitions, and Selection Criteria—Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to State Entities (State Entity Grants); Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO Grants); and Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools (Developer Grants)'' received in the Office of the President of the Senate on July 27, 2022; to the Committee on Health, Education, Labor, and Pensions.

EC–4727. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Department of Health and Human Services Repeal of HHS Rules on Guidance, Enforcement, and Adjudication Procedures'' (RIN0991–AC29) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Health, Education, Labor, and Pensions.

EC–4728. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isofetamid; Pesticide Tolerances'' (FRL No. 10027–01–OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4729. A communication from the Acting Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals relative to the ''National Defense Authorization Act for Fiscal Year 2023''; to the Committee on Armed Services.

EC–4730. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer

authorized to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4731. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4732. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4733. A communication from the Senior Legal Advisor for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Emergency Capital Investment Program-Restrictions on Executive Compensation, Share Buybacks, and Dividends'' (RIN1505–AC76) received in the Office of the President of the Senate on August 1, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–4734. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Approval of Infrastructure SIP Requirements for the 2015 Ozone NAAQS'' (FRL No. 9654–02–R5) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4735. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; New Jersey; Removal of Excess Emissions Provision'' (FRL No. 9613–02–R2) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4736. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; North Dakota; Removal of Exemptions to Visible Air Emissions Restrictions'' (FRL No. 9886–02–R8) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4737. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Chemical Substances; Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices; Correction'' ((RIN2070–AJ94) (FRL No. 5605–04–OCSPP)) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4738. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning with Reporting Years 2021 and 2022; Correction'' ((RIN2070–AL04) (FRL No. 9427–02–OCSPP)) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4739. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Arizona; Maricopa County Air Quality Management Department'' (FRL No. 10024–02–R9) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4740. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination To Defer Sanctions; Arizona; Maricopa County; Reasonably Available Control Technology—Combustion Sources'' (FRL No. 10025–02–R9) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Environment and Public Works.

EC–4741. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of 2021 Cost-of-Living Adjustments to the Internal Revenue Code Due Statutory Changes Contained in the American Rescue Plan Act of 2021'' (Rev. Proc. 2021–23) received in the Office of the President of the Senate on March 30, 2022; to the Committee on Finance.

EC–4742. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''User Fees Relating to the Enrolled Agent Special Enrollment Examination and the Enrolled Retirement Plan Agent Special Enrollment Examination'' (RIN1545–BQ06) received in the Office of the President of the Senate on August 1, 2022; to the Committee on Finance.

EC–4743. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''FY 2023 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update and Quality Reporting—Request for Information'' (RIN0938–AU80) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Finance.

EC–4744. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2023'' (RIN0938–AU78) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Finance.

EC–4745. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''FY 2023 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Requirements'' (RIN0938–AU83) received during adjournment of the Senate in the Office of the President of the Senate on July 29, 2022; to the Committee on Finance.

EC–4746. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''US–Mexico-Canada Agreement Section 821: Transboundary Wastewater Flows in the Tijuana River Watershed''; to the Committee on Environment and Public Works.

EC–4747. A communication from the Director, Office of Personnel Management, transmitting, nine legislative proposals relative to helping agencies recruit and retain a highly skilled federal workforce; to the Committee on Homeland Security and Governmental Affairs.

EC–4748. A communication from the Director of Legal Affairs and Policy Division, Office of the Federal Register, Administrative Committee of the Federal Register, transmitting, pursuant to law, the report of a rule entitled ''Official Subscriptions to the Print Edition of the Federal Register'' (RIN3095–AC00) received in the Office of the President of the Senate on August 1, 2022; to the Committee on Homeland Security and Governmental Affairs.

EC–4749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–481, ''Targeted Historic Preservation Assistance Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–480, ''Fiscal Year 2022 Second Revised Local Budget Adjustment Temporary Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4751. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–482, ''Engineering Licensure Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–483, ''Cannabis Employment Protections Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–484, ''900 55th Street N.E. and 2327–2341 Skyland Terrace S.E. DC Habitat Real Property Tax Exemption Extension Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–238, ''Fiscal Year 2023 Local Budget Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 4057. A bill to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management, and for other purposes (Rept. No. 117–139).

S. 4205. A bill to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, and for other purposes (Rept. No. 117–140).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Carrin F. Patman, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Carrin Foreman Patman.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Iceland.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Amount, date, and donee campaign/committee:

1. Self: $2,700, 1/5/2018, Sylvia Garcia for Congress; $25, 1/9/2018, ActBlue; $2,700, 1/9/2018, Bill Nelson for US Senate; $2,700, 1/30/2018, Donnelly for Indiana; $2,700, 2/1/2018, Donnelly for Indiana; $10,000, 2/8/2018, Battleground Texas; $10,000, 2/12/2018, Women Vote; $2,700, 2/19/2018, Sinema for Arizona; $10,000, 2/27/2018, Women Vote; $2,700, 3/1/2018, Gillibrand for Senate; $2,500, 3/6/2018, Opportunity First; $1,000, 3/8/2018, Conor Lamb for Congress; $2,500, 3/11/2018, Schiff Leads Pac; $2,500, 3/11/2018, Schiff for Congress; $1,000, 3/25/2018, Committee to Elect Dan Koh; $33,900, 3/25/2018, DCCC; $25, 3/25/2018, ActBlue; $33,900, 3/29/2018, DCCC; $1,000, 4/17/2018, Hiral for Congress; $50 4/17/2018, ActBlue; $2,700, 4/24/2018, Bill Nelson for US Senate; $2,500, 5/2/2018, Schiff Leads PAC; $200, 5/21/2018, Schiff for Congress; $2,300, 5/212018, Schiff for Congress; $2,700, 5/9/2018, Sylvia Garcia for Congress; $20, 5/9/2018, ActBlue; $5,000, 5/11/2018, American Possibilities PAC; $500, 5/17/,2018, Kopser for Congress; $2,700, 5/17/2018, Sylvia Garcia for Congress; $5,000, 5/17/2018, American Possibilities PAC; $50, 5/17/2018, ActBlue; $2,700, 5/18/2018, Sinema for Arizona; $2,700, 5/22/2018, Doug Jones for Senate Committee; $2,700, 5/31/2018, Joe Kennedy for Congress; $5,000, 6/14/2018, Emily's List; $2,700, 6/23/2018, Rosen for Nevada; $25, 6/23/2018, ActBlue; $33,900, 6/27/2018, DSCC; $25, 7/11/2018, ActBlue Technical Service Tips; $250, 7/24/2018, DCCC; $250, 8/1/2018, DCCC; $10,000, 8/2/2018, American Bridge 21St Century; $250, 8/6/2018, DCCC; $2,700, 8/7/2018, Sheila Jackson Lee for Congress; $250, 8/8/2018, DCCC; ($250), 8/8/2018, DCCC; $1,000, 8/8/2018, Kopser for Congress; $25, 8/8/2018, ActBlue; $2,700, 8/9/2018, Bill Nelson for US Senate; $25, 8/19/2018, ActBlue Federal Tips; $250, 8/19/2018, DCCC; $2,700, Bill Nelson for US Senate; $2,700, 8/22/2018, McCaskill for Missouri; $2,700, 8/27/2018, Tammy Baldwin for Senate; $2,700, 8/31/2018, Tina Smith for Minnesota; $750, 9/11/2018, DCCC; ($750), 9/11/2018, DCCC; $250, 9/12/2018, Pramila for Congress; $50,000, 9/14/2018, House Majority PAC. $2,700, 9/21/2018, Keep Al Green in Congress; $500, 9/28/2018, Vote Mimi Methvin; $250, 9/28/2018, Chris Hunter for Congress; $250, 9/30/2018, Chris Hunter for Congress; $25,000, 10/1/2018, DNC Services Corp.Dem. Nat'l Committee; $8,900, 10/2/2018, DNC Services Corp./dem. Nat'l Committee; $250, 10/4/2018, People for Ben (Ray Luján); $2,700, 10/8/2018, Nancy Pelosi Victory Fund; $2,700, 10/8/2018, Nancy Pelosi for Congress; $2,700, 10/22/2018, Bredesen for Senate; $1,000, 10/22/2018, Montanans for Tester; $350, 10/24/2018, Tammy Baldwin for Senate; $2,500, 10/24/2018, Rosen Victory Fund; $2,500, 10/25/2018, Nevada State Democratic Party; $500, 10/24/2018, Montanans for Tester; $1,000, 10/29/2018, McCready for Congress; $500, 10/30/2018, Harris County Democratic Party; $2,700, 10/30/2018, Joe Kennedy for Congress; $500, 11/1/2018, Tom O'Halleran for Congress; $2,700, 11/7/2018, Bill Nelson for US Senate (Recount fund); $5,000, 11/15/2018, Florida Senate Recount 2018; $5,000, 11/15/2018, DSCC; $500, 12/14/2018, Joe Cunningham for Congress; $1,000, 12/18/2018, McCready for Congress; $2,700, 12/26/2018, Elizabeth Pannill Fletcher for Congress; $1,000, 1/8/2019, Peters for Michigan; $1,000, 1/31/2019, Hakeem Jefferies; $2,600, 2/5/2019, Mark Kelly for Senate; $2,800, 2/5/2019, Mark Kelly for Senate, $25, 2/5/2019, ActBlue Federal Tips; $1,000, 2/7/2019, Jeffries for Congress; $1,800, 2/21/2019, McCready for Congress; $10,600, 2/25/2019, Schiff Leads PAC; $2,800, 2/25/2019, Schiff for Congress; $2,800, 2/25/2019, Schiff for Congress; $5,000, 2/25/2019, Frontline USA; $1,000, 2/27/2019, Nabilah for Georgia; $1,000, 2/28/2019, DeFazio for Congress; $100, 3/4/2019, Elizabeth Pannill Fletcher for Congress; $2,800, 3/4/2019, Elizabeth Pannill Fletcher for Congress; $50,000, 3/4/2019, Nancy Pelosi Victory Fund; $1,000, 3/8/2019, Dr. Brian Babin for Congress; $2,800, 3/10/2019, Nancy Pelosi for Congress; $2,800, 3/10/2019, Nancy Pelosi for Congress; $5,000, 3/10/2019, PAC to the Future; $1,800, 3/22/2019, Gary Peters; $25,000, 3/28/2019, Battleground Texas; $35,500, 3/31/2019, DCCC; $3,900, 3/31/2019, DCCC; $1,000, 3/11/2019, Swalwell for Congress; $1,000, 3/12/19, Hickenlooper 2020; $5,600, 3/22/2019, Doug Jones; $2,800, 3/22/19, Doug Jones for Senate Committee; $100, 3/22/2019, Doug Jones for Senate Committee; $1,800, 3/22/2019, Peters for Michigan; $200, 3/30/2019, Mark Kelly for Senate; $2,800, 4/9/2019, Gillibrand 2020; $1,000, 4/22/2019, Kamala Harris for the People; $5,600, 4/25/2019, Biden for President; $2,800, 4/26/2019, Keep Al Green in Congress; $2,800, 5/13/2019, Sheila Jackson Lee for Congress; $2,800, 5/13/2019, Sheila Jackson Lee for Congress; $2,500, 5/24/2019, Harris County Democratic Party; $10,600, 6/5/2019, Joe Kennedy House Victory Fund; $2,800, 6/9/2019, Kennedy for Massachusetts; $2,800, 6/9/2019, Kennedy for Massachusetts; $1,000, 6/16/2019, Bullock for President; $2,800, 6/24/2019, Tina Smith for Minnesota; $250, 6/24/2019, Swalwell for America; $250, 6/26/2019, Swalwell for America; $500, 6/26/2019, Cory 2020; $2,800, McCready for Congress; ($5,500) 7/17/2019, DCCC; $500, 7/20/2019, Cory 2020; $2,800, 7/29/2019, Colin Allred for Congress; $1,000, 8/26/2019, People Powered Action; $2,800, 9/12/2019, Gina Ortiz Jones for Congress; $1,000, 9/15/2019, Friends of Mark Warner; $100, 9/21/2019, Tom Winter for Congress; $35,500, 10/26/2019, DNC Services Corp/Democratic National Committee; $2,800, 11/14/2019, Mikie Sherrill for Congress; $500, 11/19/2019, Peters for Michigan; $2,800, 12/3/2019, Winred; $1,800, 12/3/2019, Dr. Brian Babin for Congress; $1,000, 12/3/2019, Dr. Brian Babin for Congress; $10, 12/4/2019, ActBlue; $25, 12/4/2019, ActBlue; $250, 12/9/2019, Texas Democratic Party; $1,000, 12/13/2019, Swalwell for Congress; $5,000, 12/20/2019, AB PAC; $2,800, 12/27/2019, Biden for President; $35,500, 12/31/2019, DSCC; $2,800, 1/10/2020, Sara Gideon for Maine; $1,000, 1/26/2020, Mike Espy for Senate Campaign Committee; $2,800, 1/26/2020, Hickenlooper for Colorado; $2,800, 1/26/2020, Hickenlooper for Colorado; $2,500, 1/27/2020, Harris County Democratic Party.

$1,154, 2/11/2020, DNC Services Corp/Democratic National Committee; $35,500, 2/11/2020, DNC Services Corp/Democratic National Committee; $500, 2/17/2020, Sri for Congress; $250, 2/24/2020, Sri for Congress; $2,800, 2/28/2020, Cal for NC; $10,000, 2/28/2020, Battleground Texas Engagement Fund; $50,000, 2/29/2020, Nancy Pelosi Victory Fund; $35,500, 2/29/2020, DCCC; $14,500, 2/29/2020, DCCC; $250, 3/2/2020, Joe Cunningham for Congress; $2,800, 3/8/2020, Cory Booker for Senate; $2,800, 3/8/2020, Cory Booker for Senate; $500, 3/20/2020, Shaheen for Senate; $2,300, 3/20/2020, Shaheen for Senate; $2,800, 3/27/2020, Josh Gottheimer for Congress; $2,800, 3/27/2020, Josh Gottheimer for Congress; $1,000, 4/2/2020, Sri for Congress; $250, 4/4/2020, Lauren Underwood for Congress; $2,800, 4/10/2020, Gina Ortiz Jones for Congress; $35,500, 4/16/2020, DSCC; $10,000, 5/1/2020, AB PAC; $50,000, 5/3/2020, Biden Victory Fund.

$3,846, 5/3/2020, Democratic Party of Virginia; $3,846, 5/3/2020, Democratic Executive Committee of Florida; $3,846, 5/3/2020, Minnesota Democratic-Farmer-Labor Party; $3,846, 5/3/2020, Georgia Federal Elections Committee; $3,846, 5/3/2020, North Carolina Democratic Party—Federal; $3,846, 5/3/2020, Pennsylvania Democratic Party; $3,846, 5/3/2020, Democratic Party of Wisconsin; $3,846, 5/3/2020, Nebraska Democratic Party; $3,846, 5/3/2020, Nevada State Democratic Party; $3,846, 5/3/2020, Colorado Democratic Party; $3,846, 5/3/2020, Ohio Democratic Party; $1,000, 5/6/2020, Theresa Greenfield for Senate; $250, 5/6/2020, Anthony Brindisi for Congress; $250, 5/6/2020, Xochitl Torres Small for Congress; $3,846, 9/9/2020, Michigan Democratic State Central Committee; $3,846, 9/9/2020, New Hampshire Democratic Party; $250, 5/6/2020, Friends of Dan Feehan; $250, 5/6/2020, Xochitl for New Mexico; $1,000, 5/6/2020, Theresa Greenfield for Iowa; $250, 5/6/2020, Brindisi for Congress; $250, 5/6/2020, Jackie Gordon for Congress; $250, 5/6/2020, Dan Feehan; $250, 5/6/2020, Jackie Gordon; $1,000, 5/9/2020, Kim for Congress; $1,800, 5/13/2020, Theresa Greenfield for Iowa; $10,000, 5/19/2020, Mark Kelly Victory Fund; $15,000, 5/27/2020, Battleground Texas; $10,000, 5/31/2020, Arizona Democratic Party; $2,982, 5/22/2020, Montanans for Bullock; $2,800, 5/22/2020, Montanans for Bullock.

$25,000, 5/22/2020, Women Vote!; $15,000, 5/27/2020, Battleground Texas; $1,000, 5/27/2020, Dr. Al Gross for U.S. Senate; $2,800, 6/3/2020, Wendy Davis for Congress; $500, 6/9/2020, Theresa Greenfield for Iowa; $25,000, 6/11/2020, House Majority PAC; $2,800, 6/17/2020, Keep Al Green in Congress; $36, 6/23/2020, Biden for President; $250, 6/23/2020, Khazei for Congress; $1,000, 6/24/2020, Conor Lamb for Congress; $2,800, 6/28/2020, Olin Allred for Congress; $35,500, 6/28/2020, Biden Victory Fund; $2,731, 6/28/2020, Democratic Party of Virginia; $2,731, 6/28/2020, Democratic Executive Committee of Florida; $2,731, 6/28/2020, New Hampshire Democratic Party; $2,731, 6/28/2020, Minnesota Democratic-Farmer-Labor Party; $2,731, 6/28/2020, Georgia Federal Elections Committee; $2,731, 6/28/2020, Ohio Democratic Party; $2,731, 6/28/2020, North Carolina Democratic Party-Federal; $2,731, 6/28/2020, Democratic Party of Wisconsin; $2,731, 6/28/2020, Nebraska Democratic Party; $2,731, 6/28/2020, Nevada State Democratic Party; $2,731, 6/28/2020, Colorado Democratic Party; $2,731, 6/28/2020, Pennsylvania Democratic Party; $2,731, 9/14/2020, Michigan Democratic State Central Committee; $1,800, 6/28/2020, Sri for Congress; $2,800, 6/28/2020, Colin Allred; $2,800, 7/8/2020, Defazio for Congress; $35,7/13/2020, ActBlue; $35, 7/13/2020, DCCC.

$1,000, 7/20/2020, Candace for 24; $1,000, 7/20/2020, Candace for 24; $1,800, 7/22/2020, Dr. Al Gross for U.S. Senate; $10,000, 7/22/2020, Lizzie Fletcher Victory Fund; $10,000, 7/22/2020, Texas Democratic Party; $308, 7/25/2020, Biden Victory Fund; $24, 7/25/2020, Democratic Party of Virginia; $24, 7/25/2020, Democratic Executive Committee of Florida; $24, 7/25/2020, Minnesota Democratic-Farmer-Labor Party; $24, 7/25/2020, Georgia Federal Elections Committee; $24, 7/25/2020, Ohio Democratic Party; $24, 7/25/2020, North Carolina Democratic Party-Federal; $24, 7/25/2020, Democratic Party of Wisconsin; $24, 7/25/2020, Nebraska Democratic Party; $24, 7/25/2020, Nevada State Democratic Party; $24, 7/25/2020, Pennsylvania Democratic Party; $2,800, 7/29/2020, Mikie Sherrill for Congress; $1,000, 7/30/2020, Mike Espy for Senate Campaign Committee; $15,000, 8/4/2020, Biden Victory Fund; $1,154, 8/4/2020, Democratic Party of Virginia; $1,154, 8/4/2020, Democratic Executive Committee of Florida; $1,154, 8/4/2020, Minnesota Democratic-Farmer-Labor Party;

$1,154, 8/4/2020, Georgia Federal Elections Committee; $1,154, 8/4/2020, Ohio Democratic Party; $1,154, 8/4/2020, North Carolina Democratic Party-Federal; $1,154, 8/4/2020, Democratic Party of Wisconsin; $1,154, 8/4/2020, Nebraska Democratic Party; $1,154, 8/4/2020, Nevada State Democratic Party; $1,154, 8/4/2020, Pennsylvania Democratic Party; $250, 8/5/2020, Scholten for Congress; $5,000, 8/6/2020, House Majority PAC; $50,000, 8/6/2020, New Leadership PAC; $35, 8/15/2020, DCCC; ($35), 8/15/2020, DCCC.

$250, 8/17/2020, Biden Victory Fund; $19, 8/17/2020, Democratic Party of Virginia; $19, 8/17/2020, Democratic Executive Committee of Florida; $19, 8/17/2020, Minnesota Democratic-Farmer-Labor Party; $19, 8/17/2020, Georgia Federal Elections Committee; $19, 8/17/2020, Ohio Democratic Party; $19, 8/17/2020, North Carolina Democratic Party-Federal; $19, 8/17/2020, Democratic Party of Wisconsin; $19, 8/17/2020, Nevada State Democratic Party; $19, 8/17/2020, Pennsylvania Democratic Party; $2,800, 8/18/2020, Jaime Harrison for U.S. Senate; $1,000, 8/22/2020, Biden Victory Fund; $77, 8/22/2020, Democratic Party of Virginia; $77, 8/22/2020, New Hampshire Democratic Party; $77, 8/22/2020, Minnesota Democratic-Farmer-Labor Party; $77, 8/22/2020, Ohio Democratic Party; $77, 8/22/2020, North Carolina Democratic Party-Federal; $77, 8/22/2020, Democratic Party of Wisconsin; $77, 8/22/2020, Nebraska Democratic Party; $77, 8/22/2020, Nevada State Democratic Party; $77, 8/22/2020, Pennsylvania Democratic Party; $77, 8/22/2020, Democratic Executive Committee of Florida; $77, 8/22/2020, Georgia Federal Elections Committee; $77, 8/22/2020, Colorado Democratic Party; $77, 9/15/2020, Michigan Democratic State Central Committee; $1,800, 8/22/2020, Biden Victory Fund; $138, 8/22/2020, Democratic Party of Virginia; $138, 8/22/2020, New Hampshire Democratic Party; $138, 8/22/2020, Minnesota Democratic-Farmer-Labor Party; $138, 8/22/2020, Georgia Federal Elections Committee.

$138, 8/22/2020, Ohio Democratic Party; $138, 8/22/2020, North Carolina Democratic Party-Federal; $138, 8/22/2020, Democratic Party of Wisconsin; $138, 8/22/2020, Nebraska Democratic Party; $138, 8/22/2020, Nevada State Democratic Party; $138, 8/22/2020, Pennsylvania Democratic Party; $138, 8/22/2020, Democratic Executive Committee of Florida; $138, 8/22/2020, Colorado Democratic Party; $800, 8/27/2020, Candace for 24; $500, 8/28/2020, Amy Kennedy for Congress; $2,800, 8/30/2020, Tina Smith for Minnesota; $1,000, 9/1/2020, Sylvia Garcia for Congress; $500, 9/6/2020, Progressive Turnout Project; $193, 9/9/2020, Biden Victory Fund; $15, 9/9/2020, Georgia Federal Elections Committee; $15, 9/9/2020, Democratic Party of Virginia; $15, 9/9/2020, New Hampshire Democratic Party; $15, 9/9/2020, Minnesota Democratic-Farmer Labor Party; $15, 9/9/2020, Democratic Executive Committee of Florida; $15, 9/9/2020, Ohio Democratic Party; $15, 9/9/2020, North Carolina Democratic Party-Federal; $15, 9/9/2020, Colorado Democratic Party; $15, 9/9/2020, Democratic Party of Wisconsin; $15, 9/9/2020, Nebraska Democratic Party; $15, 9/9/2020, Nevada State Democratic Party; $15, 9/9/2020, Pennsylvania Democratic Party; $2,300, 9/9/2020, Theresa Greenfield; $2,300, 9/10/2020, Theresa Greenfield for Iowa; $1,154, 9/14/2020, Michigan Democratic State Central Committee; $2,730.77, 9/14/2020, Michigan Democratic State Central Committee.

$24, 9/14/2020, Michigan Democratic State Central Committe; $19, 9/15/2020, Michigan Democratic State Central Committee; $138, 9/15/2020, Michigan Democratic State Central Committee; $76, 9/15/2020, Michigan Democratic State Central Committee; $2,800, 9/15/2020, Josh Hicks for Congress; $250, 9/24/2020, People for Ben (Ray Luján); $1,000, 9/29/2020, Brindisi for Congress; $1,000, 10/3/2020, Warnock for Georgia; $1,400, 10/4/2020, DSCC; $1,800, 10/4/2020, Warnock for Georgia; $1,400, 10/4/2020, Jon Ossoff for Senate; $2,800, 10/5/2020, Bollier for Kansas; $1,800, 10/6/2020, Mike Espy for Senate Campaign Committee; $1,400, 10/6/2020, Jon Ossoff for Senate; $500, 10/7/2020, Biden for President; $1,000, 10/9/2020, Barbara Bollier Victory Fund 2020; $500, 10/12/2020, Biden Victory fund; $38, 10/12/2020, Democratic Party of Virginia; $38, 10/12/2020, Georgia Federal Elections Committee; $38, 10/12/2020, New Hampshire Democratic Party; $38, 10/12/2020, Minnesota Democratic-Farmer-Labor Party; $38, 10/12/2020, Democratic Executive Committee of Florida.

$38, 10/12/2020, Ohio Democratic Party; $38, 10/12/2020, North Carolina Democratic Party-Federal; $38, 10/12/2020, Colorado Democratic Party; $38, 10/12/2020, Democratic Party of Wisconsin; $38, 10/12/2020, Nebraska Democratic Party; $38, 10/12/2020, Nevada State Democratic Party; $38, 10/12/2020, Pennsylvania Democratic Party; $250, 10/12/2020, Patricia Timmons-Goodson for Congress; $1,000, 10/13/2020, Kansas Democratic Party; $5,000, 10/13/2020, House Majority PAC; $2,300, 10/13/2020, Peters for Michigan; $1,000, 10/15/2020, House Majority PAC; $15, 10/15/2020, Michigan Democratic State Central Committee; $1,000, 10/15/2020, Finkenauer Victory Fund; $1,000, 10/16/2020, Finkenauer for Congress; $1,000, 10/15/2020, Cindy Axne for Congress; $20, 10/15/2020, ActBlue; $20, 10/15/2020, Biden for President; $250, 10/16/2020, Biden Victory Fund; $19, 10/16/2020, Democratic Party of Virginia; $19, 10/16/2020, Georgia Federal Elections Committee; $19, 10/16/2020, Minnesota Democratic-Farmer-Labor Party; $19, 10/16/2020, Democratic Executive Committee of Florida; $19, 10/16/2020, New Hampshire Democratic Party; $19, 10/16/2020, Ohio Democratic Party; $19, 10/16/2020, North Carolina Democratic Party-Federal; $19, 10/16/2020, Colorado Democratic Party; $19, 10/16/2020, Democratic Party of Wisconsin; $19, 10/16/2020, Nebraska Democratic Party. $19, 10/16/2020, Nevada State Democratic Party; $19, 10/16/2020, Pennsylvania Democratic Party; $500, 10/16/2020, One Country Fund; $500, 10/16/2020, Dean Phillips for Congress; $500, 10/17/2020, Xochitl for New Mexico; $500, 10/17/2020, Kendra Horn for Congress; $250, 10/18/2020, Amy Kennedy for Congress; $500, 10/19/2020, Elaine for Congress; $500, 10/20/2020, Onward Together Committee; $1,000, 10/21/2020, Midwest Values PAC; $500, 10/21/2020, Tom O'Halleran for Congress; $250, 10/22/2020, Biden for President; $50, 10/23/2020, Act Blue (Joe Biden); $50, 10/23/2020, Biden for President; $50,000, 10/26/2020, Biden Victory Fund; $50,000, 10/26/2020, Biden Victory Fund; $1,938, 10/26/2020, Democratic Party of Virginia; $2,237, 10/26/2020, New York State Democratic Committee; $4,545, 10/26/2020, New York State Democratic Committee; $1,938, 10/26/2020, Georgia Federal Elections Committee; $2,237, 10/26/2020, Vermont Democratic Party; $4,545, 10/26/2020, Vermont Democratic Party; $1,938, 10/26/2020, New Hampshire Democratic Party; $1,938, 10/26/2020, Minnesota Democratic-Farmer-Labor Party; $2,237, 10/26/2020, Democratic State Central Committee of Maryland; $4,545, 10/26/2020, Democratic State Central Committee of Maryland; $2,237, 10/26/2020, Democratic State Central Committee of LA; $4,545, 10/26/2020, Democratic State Central Committee of LA; $1,938, 10/26/2020, Democratic Executive Committee of Florida; $1,938, 10/26/2020, Ohio Democratic Party.

$1,938, 10/26/2020, North Carolina Democratic Party-Federal; $1,938, 10/26/2020, Colorado Democratic Party; $1,938, 10/26/2020, Nebraska Democratic Party; $1,938, 10/26/2020, Democratic Party of Wisconsin; $2,237, 10/26/2020, Mississippi Democratic Party; $4,545, 10/26/2020, Mississippi Democratic Party; $2,237, 10/26/2020, Kansas Democratic Party; $4,545, 10/26/2020, Kansas Democratic Party; $2,237, 10/26/2020, State Democratic Executive Committee of Alabama; $4,545, 10/26/2020, State Democratic Executive Committee of Alabama; $1,938, 10/26/2020, Nevada State Democratic Party; $2,237, 10/26/2020, Democratic State Committee (Delaware); $4,545, 10/26/2020, Democratic State Committee (Delaware); $2,237, 10/26/2020, New Jersey Democratic State Committee; $4,545, 10/26/2020, New Jersey Democratic State Committee; $1,938, 10/26/2020, Pennsylvania Democratic Party; $38, 10/30/2020, Michigan Democratic State Central Committee; $2,500, 10/30/2020, Hickenlooper Victory Fund; $250, 11/1/2020, TJ Cox for Congress; $2,500, 11/2/2020, Colorado Democratic Party; $2,800, 11/5/2020, Warnock for Georgia; $19, 11/12/2020, Michigan Democratic State Central Committee; $6,783, 11/24/2020, Massachusetts Democratic State Committee; $1,000, 12/6/2020, Georgia Senate Victory Fund; $500, 12/16/2020, Jon Ossoff for Senate; $5,000, 1/3/2021, Fair Fight, Inc. Federal; $5,000, 1/4/2021, Giffords; $2,800, 1/11/2021, Mark Kelly for Senate; $2,800, 1/11/2021, Mark Kelly for Senate; $50,000, 1/28/2021, Nancy Pelosi Victory Fund.

$5,000, 1/28/2021, PAC to the Future; $35,500, 1/28/2021, DCCC; $2,800, 1/28/2021, Nancy Pelosi for Congress; $6,700, 1/28/2021, DCCC; $2,800, 2/6/2021, Carper for Senate; $37,686, 2/10/2021, DNC Services Corp/Democratic National Committee; $0, 2/11/2021, DNC Services Corp/Democratic National Committee; $500, 2/11/2021, Groundwork Project; $2,800, 2/16/2021, Warnock for Georgia; $1,000, 2/22/2021, Conor Lamb for Senate; $2,900, 2/25/2021, Maggie for NH; $36,500, 2/26/2021, DSCC Finance; $5,600, 3/2/2021 Schiff Leads PAC; $2,900, 3/2/2021, Schiff for Congress; $2,700, 3/2/2021, Schiff for Congress; ($1,186), 3/5/2021, DNC Services Corp/Democratic National Committee; $5,000, 3/10/2021, House Majority PAC Federal; $2,900, 3/16/2021, Elizabeth Pannill Fletcher for Congress; $2,900, 3/16/2021, Elizabeth Pannill Fletcher for Congress; $5,800, 3/17/2021, Booker Victory Fund; $1,100, 3/17/2021, Purpose PAC; $2,900, 3/17/2021, Cory Booker for Senate; $1,800, 3/17/2021, Cory 2020; $1,000, 3/22/2021, Mikie Sherrill for Congress; $250, 3/23/2021, Alexander 4 Congress 2022; $2,900, 3/23/2021, Catherine Cortez Masto for Senate; $2,900, 3/23/2021, Catherine Cortez Masto for Senate; $50,000, 3/28/2021, Building Back Together; $250, 3/30/2021, SHP Victory Fund; $250, 3/31/2021, Scott Peters for Congress.

$2,900, 4/7/2021, Dr. Brian Babin for Congress; $5,000, 4/16/2021, Sheila Jackson Lee for Congress; $2,900, 4/16/2021, Sheila Jackson Lee for Congress; $2,100, 4/16/2021, Sheila Jackson Lee for Congress; $500, 4/20/2021, Cheri Beasley for North Carolina; $10,000, 4/23/2021, DNC Services Corp/Democratic National Committee; $2,900, 5/4/2021, Colin Allred for Congress; $2,900, 5/4/2021, Vicente Gonzalez for Congress; $2,900, 5/7/2021, Texans for John Lira; $1,000, 5/18/2021, Tim Ryan for Ohio; $5,000, 5/27/2021, American Bridge 21st Century Foundation; $500, 5/28/2021, Melanie for New Mexico; $15,000, 6/2/2021, Battleground Texas Engagement Fund; $2,900, 6/5/2021, Doggett for Congress; $2,900, 6/5/2021, Doggett for Congress; $1,000, 6/15/2021, Menendez for Senate; $1,000, 6/25/2021, Groundwork Project PAC Unlimited; $2,900, 6/30/2021, Friends of Schumer; $2,900, 6/30/2021, Friends of Schumer; $250, 7/7/2021, Cindy Axne for Congress (refunded); $500, 7/14/2021, Richard Blumenthal for Senate; $4,800, 7/16/2021, Conor Lamb Campaign; $10,000, 7/19/2021, DGA

Victory Fund; $2,900, 8/5/2021, Sylvia Garcia for Congress; $5,800, 8/21/2021, Cindy Axne for Congress; $5,000, 8/25/2021, Leading people Forward PAC.

$500, 8/26/2021, Jake Auchincloss for Congress; $5,000, 8/27/2021, Groundwork Project PAC Unlimited; $20,000, 8/31/221, Cortez Maso Victor 2022; $10,000, 9/6/2021, Nevada Democratic Victory; ($5,800), 9/16/2021, Cortez Masto Victory 2022 Refund; $2,900, 9/21/2021, Colin Allred for Congress; $2,900, 9/26/2021, Warnock for Georgia; $100, 9/26/2021, Warnock for Georgia; $2,900, 9/28/2021, Lauren Underwood for Congress; $2,900, 9/28/2021, Eric Swalwell for Congress; $2,900, 9/30/2021, Mikie Sherrill for Congress; $2,300, 10/5/2021, Jake Auchincloss for Congress; $5,800, 10/8/2021, Al Green for Congress; $2,900, 11/10/2021, Maggie Hassan for Senate; $2,900, 11/10/2021, Jim Clyburn for Congress; $5,000, 11/22/2021, All for Our Country Leadership PAC; $5,800, 12/10/2021, Michael Bennet for Congress; $10,000, 12/21/2021, Lizzie Fletcher Victory Fund; $250, 12/27/2021, Teresa Leger Fernandez for Congress; ($5,800), 12/17/2021, Cortez Masto Victory 2022 Refund; $1,000, 12/28/2021, Elissa Slotkin for Congress.

Amount, date, and donee campaign/committee:

2. James V. Derrick, Jr.: $1,700, 1/5/2018, Todd Litton for Congress; $1,000, 1/11/2018, Lillian Salerno for Congress; $2,700, 3/28/2018, Todd Litton for Congress; $2,700, 3/30/2018, Lillian Salerno for Congress; $1,000, 6/17/2018, Manchin for West Virginia; $2,700, 6/28/2018, Josh Gottheimer for Congress; $5,400, 7/24/2018, Kyrsten Sinema for Arizona; $5,400, 8/9/2018, Bill Nelson for US Senate; $2,700, 8/22/2018, McCaskill for Missouri; $2,700, 9/21/2018, Keep Al Green in Congress; $2,700, 10/4/2018, Heidi Heitkamp for Senate; $500, 10/22/2018, Jana Lynne Sanchez for US Congress; $2,700, 10/23/2018, Sheila Jackson Lee for Congress; $1,000, 10/25/2018, Tom Reed for Congress; $2,700, 11/7/2018, Bill Nelson for US Senate; $1,000, 12/12/2018, Julian for the Future Presidential Exploratory PAC; $2,500, 2/18/2019, Mark Kelly for Senate; $3,100, 2/21/2019, Mark Kelly for Senate; $5,600, 3/24/2019, Elizabeth Pannill Fletcher for Congress; $5,600, 4/25/2019, Biden for President; $5,600, 5/13/2019, Sheila Jackson Lee for Congress; $5,600, 5/30/2019, Keep Al Green in Congress; $1,000, 6/2/2019, Mike Johnston for US Senate; $500, 6/3/2019, Gillibrand 2020; $10,600, 6/3/2019, Joe Kennedy House Victory Fund; $1,000, 6/28/2019, Sara Gideon for Maine; $2,800, 12/30/2019, Biden for President; $2,800, 1/19/2020, Sima for Texas; $5,600, 1/30/2020, Hickenlooper for Colorado; $2,900, 2/20/2020, Jones Victory Fund.

$2,800, 3/3/2020, Doug Jones for Senate Committee; $100, 3/3/2020, Doug Jones for Senate Committee; $2,800, 3/3/2020, Cal Cunningham for US Senate; $10,000, 5/19/2020, Mark Kelly Victory Fund; $10,000, 5/31/2020, Arizona Democratic Party; $2,800, 6/18/2020, Keep Al Green in Congress; $500, 6/30/2020, Stephen Daniel for Congress; $2,800, 7/10/2020, Cornyn Majority Texas; $10,000, 7/23/2020, Lizzie Fletcher Victory Fund; $2,800, 7/31/2020, Texans for Senator John Cornyn Inc.; $5,000, 8/7/2020, House Majority PAC; $2,800, 9/1/2020, Wendy Davis for Congress; $1,000, 9/1/2020, Wendy Davis for Congress; $1,000, 10/22/2020, Sri for Congress; $1,000, 10/24/2020, Theresa Greenfield for Iowa; $500, 12/6/2020, Warnock for Georgia; $5,600, 1/11/2021, Mark Kelly for Senate; $100, 1/17/2021, Giffords PAC; $36,500, 2/8/2021, Nancy Pelosi Victory Fund; $500, 2/11/2021, Groundwork Project PAC; $28,600, 2/14/2021, DCCC; $2,900, 2/14/2021, Nancy Pelosi for Congress; $5,000, 2/14/2021, PAC to the Future; $5,800, 3/21/2021, Cory Booker Victory Fund; $2,900, 3/21/2021, Cory Booker for Senate; $2,800, 3/21/2021, Cory 2020; $1,000, 3/21/2021, Groundwork Project; $5,800, 3/21/2021, Elizabeth Pannill Fletcher for Congress; $1,000, 3/31/2021, Catherine Cortez Masto for Senate; $5,800, 3/31/2021, Catherine Cortez Masto for Senate; $5,800, 6/7/2021, Doggett for Congress.

$2,800, 6/9/2021, Kennedy for Massachusetts; $2,800, 6/9/2021, Kennedy for Massachusetts; $2,500, 6/16/2021, Sarah Godlewski for Wisconsin; $5,800, 7/7/2021, Friends of Schumer; $2,900, 8/5/2021, Sylvia Garcia for Congress; $15,000, 9/8/2021, Catherine Cortez Masto for Senate.

William H. Duncan, of Texas, 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 Republic of El Salvador.

Nominee: William H. Duncan.

Post: San Salvador.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Nora Duncan: None.

Lesslie Viguerie, of Virginia, 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 Kyrgyz Republic.

Nominee: Lesslie Viguerie.

Post: Bishkek.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

Shefali Razdan Duggal, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: Shefali Razdan Duggal.

Post: Ambassador Extraordinary and Plenipotentiary to the Kingdom of the Netherlands.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $5,000, 1/23/2018, Women Vote!; $250, 2/28/2018, DNC Services Corp./DEM. Nat'l Committee; $250, 3/22/2018, Doug Jones for Senate Committee; $500, 3/24/2018, Joe Kennedy for Congress; $5,000, 8/12/2018, Women Vote!; $500, 8/19/2018, DCCC; $5,000, 1/28/2019, Women Vote!; $500, 3/9/2019, Kennedy for Massachusetts; $250 4/20/2019, Nancy Pelosi for Congress; $500, 8/3/2019, DCCC; $500, 9/6/2019, Biden for President; $52, 10/7/2019, Biden for President; $250, 10/22/2019, DNC Services Corp/Democratic National Committee; $500, 12/18/2019, Biden for President; $250, 1/8/2020, Kennedy for Massachusetts; $250, 2/26/2020, Biden for President; $250, 4/30/2020, Biden for President; $250, 5/9/2020, Kennedy for Massachusetts; $50, 6/16/2020, Biden for President; $90.46, 6/27/2020, Biden for President; $500, 9/19/2020, Biden Victory Fund; $100, 9/28/2020, Biden Victory Fund; $100, 9/28/2020, Biden Victory Fund; $250, 9/29/2020, Biden Victory Fund; $47.91, 10/8/2020, Biden Victory Fund; $296.63, 10/24/2020, Biden Victory Fund; $63.34, 11/16/2020, Biden Victory Fund; $132.95, 1/11/2021, Biden Inaugural Store; $242.95, 1/15/2021, Biden Inaugural Store; $88.27, 1/21/2021, Biden Inaugural Store; $85.10, 4/1/2021, Biden Inaugural Store.

Rajat Duggal: $2,800, 8/17/2020, Biden for President.

Candace A. Bond, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Nominee: Candace Bond.

Post: U.S. Ambassador Extraordinary and Plenipotentiary to the Republic of Trinidad and Tobago.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $15.00, 1/27/2018, Act Blue; $1.00, 11/04/2018, Act Blue; $50.00, 11/04/2018, Act Blue; $100.00, 08/06/2020, Act Blue; $25.00, 8/12/2020, Act Blue; $50.00, 9/09/2020, Act Blue; $50.00, 9/23/2020, Act Blue; $50.00, 9/26/2020, Act Blue; $50.00, 9/30/2020, Act Blue; $25.00, 10/03/2020, Act Blue; $20.20, 10/06/2020, Act Blue; $50.00, 10/07/2020, Act Blue; $50.00, 10/14/2020, Act Blue; $50.00, 10/17/2020, Act Blue; $50.00, 10/21/2020, Act Blue; $50.00 10/28/2020, Act Blue; $15.00, 08/26/2021, Act Blue; $1,000.00, 05/20/2018, Citizens for Waters; $1,000.00, 06/21/2018, Rufus Gifford for Congress; $16.61, 10/14/2018, It Starts Today; $1.82, 10/14/2018, It Starts Today; $500.00, 10/28/2018, Katie Hill for Congress; $1,000.00, 07/1/2019, Kamala Harris for the People; $1,000.00, 6/08/2020, Biden for President; $1,000.00, 6/08/2020, Biden Victory Fund; $100.00, 8/06/2020, Biden Victory Fund; $25.00, 8/12/2020, Biden Victory Fund; $88.47, 8/12/2020, Biden Victory Fund; $88.47, 8/12/2020, Biden for President; $28.80, 10/23/2020, Biden Victory Fund; $28.80, 10/23/2020, Biden for President; $50.00, 10/21/2020, Jaime Harrison for U.S. Senate; $50.00, 10/28/2020, Jaime Harrison for U.S. Senate.

2. Steve McKeever: $1,000.00, 4/07/2019, Schiff for Congress; $1,000.00, 7/01/2019, Kamala Harris for the People; $900.00, 10/01/2019, Kamala Harris for the People; $500.00, 02/20/2020, Kennedy For Massachusetts; $1,000.00, 9/15/2020, Warnock for Georgia; $41.67, 9/26/2020, Schiff for Congress; $5.00, 9/28/2020, Act Blue; $5.00, 9/28/2020, Act Blue; $50.00, 10/07/2020, Act Blue; $50.00, 10/07/2020, Act Blue; $1,400.00, 12/07/2020, Warnock Victory Fund; $400.00, 12/11/2020, Warnock Victory Fund; $400.00, 12/14/2020, Warnock for Georgia; $1,400.00, 12/14/2020, Warnock for Georgia; $25.00, 1/27/2021, Act Blue.

Puneet Talwar, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Nominee: Puneet Talwar.

Post: Embassy Rabat.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $500, 09/22/2020, Biden for President; $500, 09/22/2020, Biden Victory Fund; $25, 08/15/2020, ActBlue; $25, 02/29/2020, ActBlue; $15, 12/31/2019, ActBlue; $70, 09/16/2018, Elissa Slotkin for Congress; $50, 06/26/2018.

2. Spouse: Sarosh Sattar: $25, 12/28/2020, ActBlue; $10, 11/20/2020, ActBlue; $3, 11/09/2020, ActBlue; $10, 11/09/2020, ActBlue; $5, 11/01/2020, ActBlue; $2, 11/01/2020, ActBlue; $10, 11/01/2020, ActBlue; $15, 10/30/2020, ActBlue; $5, 10/25/2020, ActBlue; $5, 10/25/2020, ActBlue; $7.50, 10/22/2020, ActBlue; $7.50, 10/22/2020, ActBlue; $13, 10/22/2020, ActBlue; $100, 10/06/2020, ActBlue; $25, 10/03/2020, ActBlue; $250, 09/01/2020, Biden for President; $250, 09/01/2020, Biden Victory Fund; $11, 04/30/2020, ActBlue; $5, 12/31/2019,

ActBlue; $5, 09/30/2019, ActBlue; $5, 09/30/2019, ActBlue; $11, 09/06/2019, ActBlue; $5, 04/25/2019, ActBlue; $11, 10/02/2018, ActBlue; $11, 09/11/2018, ActBlue; $25, 07/30/2018, ActBlue; $10, 05/01/2018, ActBlue.

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Nominee: Robert F. Godec.

Post: Ambassador to Thailand.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Lori G. Magnusson: None.

Hugo F. Rodriguez, Jr., of Pennsylvania, 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 Republic of Nicaragua.

Nominee: Hugo F. Rodriguez, Jr.

Post: Nicaragua.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

Heide B. Fulton, of West Virginia, 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 Oriental Republic of Uruguay.

Nominee: Heide B. Fulton.

Post: Oriental Republic of Uruguay.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $250, 1/18/20, Deb Andraca; $100, 5/11/20, Deb Andraca; $100, 4/4/21, Danielle Garbe.

2. James Fulton: $1000, 1/4/22, Josiah O'Neil.

Yohannes Abraham, of Virginia, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Yohannes Abebe Abraham.

Post: Representative of the United States of America to the Association of Southeast Asian Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $750, 1/28/2018, Maura Sullivan for Congress; $500, 9/28/2018, Jennifer Wexton for Congress; $1,000, 9/28/2018, DNC; $1,000, 9/28/2018, Beto O'Rourke for Texas; $500, 9/28/2018, EMILY's List; $500, 10/18/2018, 44 Fund; $50, 10/18/2018, ActBlue; $100, 10/31/2018, Sri Kulkarni for Congress; $1,000, 3/27/2019, Jaime Harrison for SC; $200, 7/15/2019, Nick Colvin for Congress; $20, 7/15/2019, ActBlue; $15, 3/3/2020, ActBlue; $1,000, 10/23/2020, Joe Biden for President.

Jonathan Henick, of Virginia, 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 Republic of Uzbekistan.

Nominee: Jonathan Henick.

Post: Ambassador to the Republic of Uzbekistan.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Dominique Freire: (Spouse): $65.18, 12/2020, MoveOn.org; $10.00, 12/2019, Pete Buttigieg.

Angela Price Aggeler, of the District of Columbia, 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 Republic of North Macedonia.

Nominee: Angela Price Aggeler.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of North Macedonia.

(The following is a list of members of my immediate family, I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None ($0), N/A, N/A.

2. Spouse: Brian C. Aggeler: None ($0), N/A, N/A.

Gautam A. Rana, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Nominee: Gautam A. Rana

Post: Slovak Republic

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Alexsa M. Alonzo: None.

Daniel N. Rosenblum, of Maryland, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Nominee: Daniel N. Rosenblum.

Post: Kazakhstan.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: Sharon Waxman, $250, 2/8/2018, Soderberg for Congress; $100, 4/30/2020, ACT BLUE; $100, 4/30/2020, Evelyn for NY; $1,000, 7/21/2020, Biden for President (Primary); $500, 8/8/2020, Biden for President (Primary); $1,000, 8/22/2020, Biden for President (General); $250, 8/30/2020, Biden for President (General); $500, 9/11/2020, Biden for President (General); $500, 10/6/2020, Biden for President (General).

Robert J. Faucher, of Arizona, 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 Republic of Suriname.

Nominee: Robert J Faucher.

Post: Suriname.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Noraly N. Faucher: None.

Randy W. Berry, of Colorado, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Randy William Berry.

Post: Windhoek, Namibia.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Pravesh Singh: None.

By Mr. TESTER for the Committee on Veterans' Affairs.

*Jaime Areizaga-Soto, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself and Mr. CASSIDY):

S. 4750. A bill to amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act; to the Committee on Finance.

By Mr. TOOMEY (for himself, Ms. SINEMA, Ms. LUMMIS, Mr. WARNER, and Mr. PORTMAN):

S. 4751. A bill to revise the definition of a broker for purposes of certain reporting requirements with respect to digital asset transfers under the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 4752. A bill to require the Secretary of the Interior to prepare a programmatic environmental impact statement allowing for adaptive management of certain Federal land in Malheur County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT of South Carolina (for himself, Mr. SCOTT of Florida, Mr. TUBERVILLE, Mr. TILLIS, Mr. RUBIO, Mr. CRAMER, Ms. LUMMIS, Mrs. BLACKBURN, Mr. CRAPO, Mr. CASSIDY, and Mr. RISCH):

S. 4753. A bill to allow the use of unspent educational funds under the American Rescue Plan Act of 2021 to address pandemic learning loss through Child Opportunity Scholarships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BRAUN:

S. 4754. A bill to require the Secretary of Energy to conduct a study and submit a report on national resource adequacy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 4755. A bill to amend the Federal Land Policy and Management Act of 1976 to ensure that ranchers who have grazing agreements on national grasslands are treated the same as permittees on other Federal land; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 4756. A bill to amend the disclosures of foreign gifts under the Higher Education Act of 1965 to provide special rules relating to China-affiliated organizations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida (for himself and Mr. VAN HOLLEN):

S. 4757. A bill to amend the Securities Exchange Act of 1934 to require national securities exchanges to identify issuers that are consolidated variable interest entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY:

S. 4758. A bill to provide for enhanced domestic content requirements in Federal procurement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HEINRICH:

S. 4759. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2023, and for other purposes; to the Committee on Appropriations.

By Ms. STABENOW (for herself, Mr. BOOZMAN, Mr. BOOKER, and Mr. THUNE):

S. 4760. A bill to amend the Commodity Exchange Act to provide the Commodity Futures Trading Commission jurisdiction to oversee the spot digital commodity market, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RUBIO:

S. 4761. A bill to amend title V of the Social Security Act to establish a grant program for community-based maternal mentoring programs; to the Committee on Finance.

By Mrs. FISCHER (for herself and Mr. HICKENLOOPER):

S. 4762. A bill to amend IV of the Social Security Act to establish a demonstration grant program to provide emergency relief to foster youth and improve pre-placement services offered by foster care stabilization agencies, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. CAPITO):

S. 4763. A bill to support the construction of middle mile broadband infrastructure and enhance the electric grid; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Ms. DUCKWORTH, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. REED, Ms. SMITH, Ms. HASSAN, Ms. HIRONO, Ms. WARREN, Mr. VAN HOLLEN, and Mr. SANDERS):

S. 4764. A bill to amend the Public Health Service Act to improve reproductive health care of individuals with disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself and Mr. PAUL):

S. 4765. A bill to address recommendations made to Congress by the Government Accountability Office and detailed in the annual duplication report, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRAUN (for himself and Mr. YOUNG):

S. Res. 740. A resolution condemning the attack that occurred in Greenwood, Indiana, on July 17, 2022, expressing support and prayers for those impacted by that tragedy, and praising the actions of Elisjsha Dicken (also known as the ''Good Samaritan'') who valiantly engaged and thwarted the shooter; considered and agreed to.

By Mr. MARSHALL:

S. Res. 741. A resolution to express the sense of the Senate regarding the constitutional right of State Governors to repel the dangerous ongoing invasion across the United States southern border; to the Committee on the Judiciary.

By Mr. KING (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. MURPHY, Ms. WARREN, Ms. HASSAN, Mr. REED, Mr. MARKEY, Mrs. SHAHEEN, and Mr. BLUMENTHAL):

S. Res. 742. A resolution designating September 25, 2022, as ''National Lobster Day''; considered and agreed to.

By Mr. HICKENLOOPER (for himself and Mr. BENNET):

S. Res. 743. A resolution congratulating the Colorado Avalanche on winning the 2022 Stanley Cup Final; considered and agreed to.

ADDITIONAL COSPONSORS

S. 711

At the request of Mr. BENNET, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 711, a bill to require the Secretary of Labor to award grants to organizations for the provision of transition assistance to members and former members of the Armed Forces who are separated, retired, or discharged from the Armed Forces, and spouses of such members, and for other purposes.

S. 868

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 868, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title and waive the 24-month waiting period for Medicare eligibility for individuals with Huntington's disease.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1328

At the request of Mr. SCHATZ, his name was added as a cosponsor of S. 1328, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the farm to school program, and for other purposes.

S. 2273

At the request of Mr. BRAUN, the names of the Senator from Wyoming (Ms. LUMMIS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2273, a bill to authorize Inspectors General to continue operations during a lapse in appropriations, and for other purposes.

S. 2594

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2594, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen requirements related to nutrient information on food labels, and for other purposes.

S. 2607

At the request of Mr. PADILLA, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 2607, a bill to award a Congressional Gold Medal to the former hostages of the Iran Hostage Crisis of 1979–1981, highlighting their resilience throughout the unprecedented ordeal that they lived through and the national unity it produced, marking 4 decades since their 444 days in captivity, and recognizing their sacrifice to the United States.

S. 2956

At the request of Mr. COONS, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2956, a bill to advance targeted, high-impact, and evidence-based inventions for the prevention and treatment of global malnutrition, to improve the coordination of such programs, and for other purposes.

S. 3055

At the request of Mr. SCOTT of Florida, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 3055, a bill to extend the customs waters of the United States from 12 nautical miles to 24 nautical miles from the baselines of the United States, consistent with Presidential Proclamation 7219.

S. 3635

At the request of Ms. DUCKWORTH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3635, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officer death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, and for other purposes.

S. 4105

At the request of Mr. BROWN, the name of the Senator from Florida (Mr.

SCOTT) was added as a cosponsor of S. 4105, a bill to treat certain liquidations of new motor vehicle inventory as qualified liquidations of LIFO inventory for purposes of the Internal Revenue Code of 1986.

S. 4295

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 4295, a bill to amend securities and banking laws to make the information reported to financial regulatory agencies electronically searchable, to further enable the development of regulatory technologies and artificial intelligence applications, to put the United States on a path towards building a comprehensive Standard Business Reporting program to ultimately harmonize and reduce the private sector's regulatory compliance burden, while enhancing transparency and accountability, and for other purposes.

S. 4328

At the request of Mr. PADILLA, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 4328, a bill to modify the fire management assistance cost share, and for other purposes.

S. 4466

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 4466, a bill to amend the Peace Corps Act by reauthorizing the Peace Corps, providing better support for current, returning, and former volunteers, and for other purposes.

S. 4509

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Mr. KING) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 4509, a bill to provide for security in the Black Sea region, and for other purposes.

S. 4524

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 4524, a bill to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

S. 4601

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4601, a bill to improve the management and performance of the capital asset programs of the Department of Veterans Affairs so as to better serve veterans, their families, caregivers, and survivors, and for other purposes.

S. 4605

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 4605, a bill to amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies under the Medicare program.

S. 4613

At the request of Mr. BRAUN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 4613, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the fiduciary duty of plan administrators to select and maintain investments based solely on pecuniary factors, and for other purposes.

S. 4655

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 4655, a bill to amend title 5, United States Code, to permit the Merit Systems Protection Board to hear certain cases relating to allegations of certain reprisals by employees of the Federal Bureau of Investigation.

S. 4723

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Georgia (Mr. WARNOCK) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 4723, a bill to ensure the right to provide reproductive health care services, and for other purposes.

S. CON. RES. 9

At the request of Mr. BARRASSO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 183

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Ms. SINEMA) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. Res. 183, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE:

S. 4755. A bill to amend the Federal Land Policy and Management Act of 1976 to ensure that ranchers who have grazing agreements on national grasslands are treated the same as permittees on other Federal land; to the Committee on Energy and Natural Resources.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF NATIONAL GRASSLANDS FOR GRAZING LEASES AND PERMITS.

(a) IN GENERAL.—Section 402(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(a)) is amended by striking ''lands within National Forests'' and inserting ''National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) land''.

(b) EFFECT.—Nothing in the amendment made by subsection (a) modifies or affects—

(1) the applicability to national grasslands of any provision of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) other than section 402 of that Act (43 U.S.C. 1752);

(2) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

(3) section 11 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1907).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 740—CONDEMNING THE ATTACK THAT OCCURRED IN GREENWOOD, INDIANA, ON JULY 17, 2022, EXPRESSING SUPPORT AND PRAYERS FOR THOSE IMPACTED BY THAT TRAGEDY, AND PRAISING THE ACTIONS OF ELISJSHA DICKEN (ALSO KNOWN AS THE ''GOOD SAMARITAN'') WHO VALIANTLY ENGAGED AND THWARTED THE SHOOTER

Mr. BRAUN (for himself and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 740

Whereas, on July 17, 2022, a shooting took place in Greenwood, Indiana, at the Greenwood Park Mall;

Whereas 3 innocent lives were lost in that tragedy: Pedro Piñeda, Rosa Mirian Rivera de Piñeda, and Victor Gomez;

Whereas, without the actions of Elisjsha Dicken, known as the ''Good Samaritan'', the perpetrator of the attack would have killed many more innocent people;

Whereas, in the words of Greenwood, Indiana, Chief of Police Jim Ison, ''. . . many more people would have died [in the shooting] if not for a responsible armed citizen that took action very quickly . . .'';

Whereas the people of the United States continue to pray for a healthy recovery for the individuals who were wounded in the attack;

Whereas all Hoosiers are united in support of the victims and their families; and

Whereas the people of the United States will always remember the victims of this attack and stand in solidarity with those affected by this senseless tragedy: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the senseless attack that led to the loss of 3 innocent lives in Greenwood, Indiana, on Sunday, July 17, 2022;

(2) honors the memory of the victims who were murdered: Pedro Piñeda, Rosa Mirian Rivera de Piñeda, and Victor Gomez;

(3) expresses hope for a full and speedy recovery for, stands in solidarity with, and pledges continued support for the individuals injured in the attack;

(4) expresses appreciation and gratitude for all of the first responders who quickly responded to the attack and the professionals and volunteers who cared for the injured; and

(5) expresses appreciation for and honors the courageous, heroic, valiant, and virtuous actions of Elisjsha Dicken, known as the ''Good Samaritan''.

SENATE RESOLUTION 741—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE CONSTITUTIONAL RIGHT OF STATE GOVERNORS TO REPEL THE DANGEROUS ONGOING INVASION ACROSS THE UNITED STATES SOUTHERN BORDER

Mr. MARSHALL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 741

Whereas, during a 2019 Democratic presidential primary debate, President Biden called for ''all those people seeking asylum'' to ''immediately surge to the border'';

Whereas, during a 2019 Democratic presidential primary debate, President Biden raised his hand when candidates were asked if their health plans will provide coverage for illegal immigrants;

Whereas, during a 2020 Democratic presidential primary debate, President Biden pledged support for ''sanctuary cities'' when he stated that illegal immigrants arrested by local police should not be turned over to Federal immigration authorities;

Whereas, on January 20, 2021, one of President Biden's first actions as President was sending proposed legislation, the U.S. Citizenship Act, to Congress, which would provide a path to citizenship for an estimated 10,000,000 to 12,000,000 illegal immigrants who are currently residing in the United States;

Whereas, on January 20, 2021, President Biden also issued a ''Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction'', which halted construction of physical barriers along the international border between the United States and Mexico, and he later terminated existing border wall construction contracts and failed to obligate more than $1,000,000,000 that Congress had lawfully appropriated for border wall construction;

Whereas, on January 20, 2021, President Biden also halted enrollments in the Migrant Protection Protocols policy, which is also known as the ''remain in Mexico'' program;

Whereas on February 6, 2021, U.S. Secretary of State Antony Blinken suspended and terminated the Asylum Cooperative Agreements with the Governments of El Salvador, of Guatemala, and of Honduras;

Whereas in March 2022, the Department of Homeland Security began implementing the interim final rule titled ''Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers''✖ which authorizes U.S. Citizenship and Immigration Services to consider the asylum applications of individuals subject to expedited removal and violates the law enacted by Congress that requires asylum seekers to offer evidence to persuade a judge in an immigration court;

Whereas, during fiscal year 2021, U.S. Immigration and Customs Enforcement executed 59,000 deportations, which represents the lowest number of deportations since fiscal year 2008, and fewer than ⅓ as many deportations as the number of people who were deported during fiscal year 2020, and is significantly lower than the 226,000 to 410,000 removals that occurred every fiscal year since 2008;

Whereas, during fiscal year 2021, U.S. Immigration and Customs Enforcement—

(1) arrested 48 percent fewer convicted criminals than had been arrested during the prior fiscal year;

(2) deported 63 percent fewer criminals than had been deported in the prior fiscal year; and

(3) issued 56 percent fewer ''detainer requests'' to local authorities than had been issued in the prior fiscal year;

Whereas, during fiscal year 2021, U.S. Customs and Border Protection made more than 1,700,000 arrests of illegal immigrants along the international border between the United States and Mexico, which is the highest level ever recorded, and is on pace to arrest more than 2,000,000 illegal immigrants along such border during fiscal year 2022;

Whereas, on April 1, 2022, President Biden announced the termination of a public health policy used to expel potentially infected illegal immigrants during the COVID–19 pandemic (commonly known as ''title 42'');

Whereas, on September 30, 2021, Department of Homeland Security Secretary Alejandro Mayorkas issued a memorandum titled ''Guidelines for the Enforcement of Civil Immigration Law'', which stated that an alien's illegal status in the United States should not be the sole basis of an enforcement action and prioritized for apprehension and removal aliens who are a threat to national security, public safety, or border security;

Whereas, on October 12, 2021, Secretary Mayorkas issued a memorandum titled ''Worksite Enforcement: The Strategy to Protect the American Labor Market, the Conditions of the American Worksite, and the Dignity of the Individual'', which included Department-wide guidance to cease mass worksite operations, among other instructions;

Whereas, on October 27, 2021, Secretary Mayorkas issued a memorandum titled ''Guidelines for Enforcement Actions in or Near Protected Areas'', which listed numerous protected areas where the enforcement of Federal immigration law should not occur;

Whereas, in May 2022, U.S. Customs and Border Protection arrested 239,416 illegal immigrants along the international border between the United States and Mexico, which is the highest number of arrests ever recorded in a single month;

Whereas President Biden's fiscal year 2023 budget request aims to shift the Department of Homeland Security's border management away from enforcement and toward ''effectively managing irregular migration along the Southwest border'';

Whereas U.S. Customs and Border Protection has apprehended illegal immigrants from Mexico, Guatemala, El Salvador, Nicaragua, Cuba, Haiti, Brazil, other Central and Latin American nations, Turkey, India, Russia, and other nations outside of the Western Hemisphere;

Whereas U.S. Customs and Border Patrol has apprehended 50 people since October 1, 2021 along the international border between the United States and Mexico who are listed on the Federal Bureau of Investigations' terrorist screening database;

Whereas, U.S. Customs and Border Protection arrested more than 7,000 illegal aliens in fiscal year 2022 who have been convicted of 1 or more crimes in the United States or abroad, including—

(1) 219 convicted sexual criminals;

(2) 45 who were convicted of homicide or manslaughter;

(3) 195 who were convicted of illegal weapons possession, transport, or trafficking;

(4) 561 who were convicted of burglary, robbery, larceny, theft, or fraud; and

(5) 711 who were convicted of assault, battery, or domestic violence;

Whereas, during fiscal year 2021, U.S. Customs and Border Protection seized—

(1) 11,203 pounds of fentanyl;

(2) 5,400 pounds of heroin;

(3) 191, 824 pounds of methamphetamine;

(4) 97,638 pounds of cocaine; and

(5) 10,848 pounds of ketamine;

Whereas, provisional data from the National Center for Health Statistics of the Centers for Disease Control and Prevention estimates that there were 107,622 drug overdose deaths in the United States during 2021, an increase of nearly 15 percent from the estimated 93,655 deaths in 2020, with overdose deaths involving opioids increasing from an estimated 70,029 in 2020 to an estimated 80,816 in 2021, and overdose deaths from synthetic opioids (primarily fentanyl), psychostimulants (such as methamphetamine), and cocaine also increasing during 2021.

Whereas clause 1 of section 10 of article I of the United States Constitution states, in part, ''No State shall, without the Consent of Congress . . . engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.'';

Whereas section 4 of article IV of the United States Constitution states, in part, ''The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion'';

Whereas, in the context of known security concerns due to a lack of proper vetting processes and systems, and in conjunction with how the mass unlawful movement of people across the border of the United States directly empowers and enriches cartels and transnational gangs, the totality of such activity constitutes an invasion;

Whereas, on October 26, 2021, Arizona State Representative Jake Hoffman sent a letter to Arizona Attorney General Mark Brnovich requesting a formal legal opinion determining whether President Biden has violated his obligations to protect Arizona from invasion under section 4 of article IV of the United States Constitution; and

Whereas, on February 7, 2022, Arizona Attorney General Mark Brnovich issued a formal legal opinion, which states, in part—

(1) ''The on-the-ground violence and lawlessness at Arizona's border caused by cartels and gangs is extensive, well-documented, and persistent. It can satisfy the definition of 'actually invaded' and 'invasion' under the U.S. Constitution.''; and

(2) ''Arizona retains the independent authority under the State Self-Defense Clause to defend itself when actually invaded.'': Now, therefore, be it

Resolved, That the Senate finds that—

(1) President Biden's dereliction of duty and failure to take care that the laws be faithfully executed at our southern border has directly put the citizens of all 50 States in danger and has resulted in loss of life;

(2) the violent activity and smuggling of drugs, humans, guns, and other illicit goods carried out by drug cartels and transnational criminal organizations, and the crossing of the international border between legal ports of entry by significant numbers of individuals contrary to the laws of the United States, meet the definitions of—

(A) ''actually invaded'' under clause 3 of section 10 of article I of the United States Constitution; and

(B) ''invasion'' under section 4 of article IV of the United States Constitution; and

(3) Governors of all 50 States possess the authority and power as Commander-in-Chief of their respective States to repel the invasion described in paragraph (2).

SENATE RESOLUTION 742—DESIGNATING SEPTEMBER 25, 2022, AS ''NATIONAL LOBSTER DAY''

Mr. KING (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. MURPHY, Ms. WARREN, Ms. HASSAN, Mr. REED, Mr. MARKEY, Mrs. SHAHEEN, and Mr. BLUMENTHAL) submitted the following resolution; which was considered and agreed to:

S. RES. 742

Whereas lobstering has served as an economic engine and family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from catching, processing, or serving lobsters;

Whereas the lobster industry employs people of all ages year-round, and many harvesters begin fishing as children and stay in the industry for their entire working lives;

Whereas the lobster industry has spearheaded sustainability measures for more than 150 years, ensuring the health of the lobster stock and the marine environment;

Whereas consumers are looking to add more sustainable seafood to their diets, and more people are enjoying lobster at home;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving feast in 1621, and lobster continues to be a mainstay during many other holiday traditions;

Whereas lobster harvesters are evolving and diversifying their businesses to help maintain the health of the ocean, including through kelp farming, which absorbs carbon dioxide from seawater;

Whereas throughout history, Presidents of the United States have served lobster at their inaugural celebrations and state dinners with international leaders;

Whereas lobster is a versatile source of lean protein that is low in saturated fat and high in vitamin B12;

Whereas lobster is continually incorporated into foods such as pho, gnocchi, doughnuts, cocktails, ice cream, and butter;

Whereas the peak of the lobstering season in the United States occurs in late summer;

Whereas the Unicode Consortium added a lobster to its emoji set in 2018 in recognition of the popularity of the species around the world;

Whereas lobsters have inspired artists in the United States and throughout the world for hundreds of years;

Whereas lobsters have been, and continue to be, used as mascots for sports teams;

Whereas lobster inspires innovation of all kinds beyond the culinary realm, including skincare, fertilizers, and biodegradable golf balls;

Whereas countless people in the United States enjoy lobster rolls to celebrate summer, from beaches to backyards and from fine-dining restaurants to lobster shacks; and

Whereas lobster is a staple on the menus of beloved restaurants across the United States and in kitchens across the United States as well, bringing families and friends together: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2022, as ''National Lobster Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 743—CONGRATULATING THE COLORADO AVALANCHE ON WINNING THE 2022 STANLEY CUP FINAL

Mr. HICKENLOOPER (for himself and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 743

Whereas, on June 26, 2022, the Colorado Avalanche (referred to in this preamble as the ''Avs'') won the 2022 National Hockey League (referred to in this preamble as the ''NHL'') Stanley Cup Final;

Whereas the 2022 Stanley Cup Final is the third Stanley Cup Final won by the Avs in the 27 years in which the franchise has competed in the NHL;

Whereas, on the way to winning the 2022 Stanley Cup Final, the Avs defeated—

(1) the Nashville Predators in the first round;

(2) the St. Louis Blues in the second round;

(3) the Edmonton Oilers is the Western Conference Finals; and

(4) the Tampa Bay Lightning in the Stanley Cup Final;

Whereas Avs defenseman Cale Makar won the 2022 Conn Smythe Trophy, which is awarded to the most valuable player in the Stanley Cup playoffs;

Whereas, during the 2021–2022 NHL season—

(1) Avs defenseman Cale Makar won the James Norris Memorial Trophy, which is awarded to the best defenseman during the regular season;

(2) Avs General Manager Joe Sakic won the Jim Gregory General Manager of the Year Award;

(3) Avs right wing Mikko Rantanen led the team in both goals scored, with 36, and total points, with 92;

(4) Avs center Nazem Kadri led the team in total assists, with 59;

(5) Avs defenseman Devon Toews led the team in plus/minus points, with 52; and

(6) Avs goaltender Darcy Kuemper led the team in total wins, with 37; and

Whereas the entire Avs roster contributed to the 2022 Stanley Cup victory, including Hunter Miska, Trent Miner, Darcy Kuemper, Pavel Francouz, Justus Annunen, Devon Toews, Ryan Murray, Keaton Middleton, Roland McKeown, Josh Manson, Cale Makar, Jacob MacDonald, Kurtis MacDermid, Jack Johnson, Erik Johnson, Samuel Girard, Bowen Byram, Mikko Rantanen, Logan O'Connor, Valeri Nichushkin, Martin Kaut, Nicolas Aube-Kubel, Mikhail Maltsev, Artturi Lehkonen, Gabriel Landeskog, J.T. Compher, Andre Burakovsky, Nico Sturm, Dylan Sikura, Alex Newhook, Jayson Megna, Stefan Matteau, Nathan MacKinnon, Nazem Kadri, Darren Helm, Jean-Luc Foudy, and Andrew Cogliano: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Colorado Avalanche (referred to in this resolution as the ''Avs'') and the loyal fan base of the Avs on becoming the 2022 National Hockey League Stanley Cup champions; and

(2) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to members of the Avs' ownership, management, and coaching staff, namely—

(A) owners Stan Kroenke, Ann Walton Kroenke, Josh Kroenke, and Kroenke Sports & Entertainment;

(B) Executive Vice President and General Manager Joe Sakic; and

(C) Head Coach Jared Bednar.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5194. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table.

SA 5195. Mr. SCHUMER (for Mr. CORNYN (for himself and Ms. HASSAN)) proposed an amendment to the bill S. 734, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students.

TEXT OF AMENDMENTS

SA 5194. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inflation Reduction Act of 2022''.

TITLE I—COMMITTEE ON FINANCE

Subtitle A—Deficit Reduction

SEC. 10001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CORPORATE TAX REFORM

SEC. 10101. CORPORATE ALTERNATIVE MINIMUM TAX.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Paragraph (2) of section 55(b) is amended to read as follows:

''(2) CORPORATIONS.—

''(A) APPLICABLE CORPORATIONS.—In the case of an applicable corporation, the tentative minimum tax for the taxable year shall be the excess of—

''(i) 15 percent of the adjusted financial statement income for the taxable year (as determined under section 56A), over

''(ii) the corporate AMT foreign tax credit for the taxable year.

''(B) OTHER CORPORATIONS.—In the case of any corporation which is not an applicable corporation, the tentative minimum tax for the taxable year shall be zero.''.

(2) APPLICABLE CORPORATION.—Section 59 is amended by adding at the end the following new subsection:

''(k) APPLICABLE CORPORATION.—For purposes of this part—

''(1) APPLICABLE CORPORATION DEFINED.—

''(A) IN GENERAL.—The term 'applicable corporation' means, with respect to any taxable year, any corporation (other than an S corporation, a regulated investment company, or a real estate investment trust) which meets the average annual adjusted financial statement income test of subparagraph (B) for one or more taxable years which—

''(i) are prior to such taxable year, and

''(ii) end after December 31, 2021.

''(B) AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME TEST.—For purposes of this subsection—

''(i) a corporation meets the average annual adjusted financial statement income test for a taxable year if the average annual

adjusted financial statement income of such corporation for the 3-taxable-year period ending with such taxable year exceeds $1,000,000,000, and

''(ii) in the case of a corporation described in paragraph (2), such corporation meets the average annual adjusted financial statement income test for a taxable year if—

''(I) the corporation meets the requirements of clause (i) for such taxable year (determined after the application of paragraph (2)), and

''(II) the average annual adjusted financial statement income of such corporation (determined without regard to the application of paragraph (2)) for the 3-taxable-year-period ending with such taxable year is $100,000,000 or more.

''(C) EXCEPTION.—Notwithstanding subparagraph (A), the term 'applicable corporation' shall not include any corporation which otherwise meets the requirements of subparagraph (A) if—

''(i) such corporation—

''(I) has a change in ownership, or

''(II) has a specified number (to be determined by the Secretary and which shall, as appropriate, take into account the facts and circumstances of the taxpayer) of consecutive taxable years, including the most recent taxable year, in which the corporation does not meet the average annual adjusted financial statement income test of subparagraph (B), and

''(ii) the Secretary determines that it would not be appropriate to continue to treat such corporation as an applicable corporation.

The preceding sentence shall not apply to any corporation if, after the Secretary makes the determination described in clause (ii), such corporation meets the average annual adjusted financial statement income test of subparagraph (B) for any taxable year beginning after the first taxable year for which such determination applies.

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—Solely for purposes of determining whether a corporation is an applicable corporation under paragraph (1), all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 shall be treated as adjusted financial statement of income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).

''(E) OTHER SPECIAL RULES.—

''(i) CORPORATIONS IN EXISTENCE FOR LESS THAN 3 YEARS.—If the corporation was in existence for less than 3-taxable years, subparagraph (B) shall be applied on the basis of the period during which such corporation was in existence.

''(ii) SHORT TAXABLE YEARS.—Adjusted financial statement income for any taxable year of less than 12 months shall be annualized by multiplying the adjusted financial statement income for the short period by 12 and dividing the result by the number of months in the short period.

''(iii) TREATMENT OF PREDECESSORS.—Any reference in this subparagraph to a corporation shall include a reference to any predecessor of such corporation.

''(2) SPECIAL RULE FOR FOREIGN-PARENTED CORPORATIONS.—

''(A) IN GENERAL.—Solely for purposes of determining whether a corporation meets the average annual adjusted financial statement income test under paragraph (1)(B)(ii)(I), in the case of any corporation which for any taxable year is a member of an international financial reporting group the common parent of which is a foreign corporation, such corporation shall include in the adjusted financial statement income of such corporation for such taxable year the adjusted financial statement income of all foreign members of such group. Solely for purposes of this subparagraph, adjusted financial statement income shall be determined without regard to paragraphs (2)(D)(i), (3), (4), and (11) of section 56A(c).

''(B) INTERNATIONAL FINANCIAL REPORTING GROUP.—For purposes of subparagraph (A), the term 'international financial reporting group' shall have the meaning given such term by section 163(n)(3).

''(C) COMMON PARENT.—For purposes of subparagraph (A), the term 'common parent' has the meaning given such term under section 163(n)(5).

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide regulations or other guidance for the purposes of carrying out this subsection, including regulations or other guidance—

''(A) providing a simplified method for determining whether a corporation meets the requirements of paragraph (1), and

'''(B) addressing the application of this subsection to a corporation that experiences a change in ownership.''.

(3) REDUCTION FOR BASE EROSION AND ANTI-ABUSE TAX.—Section 55(a)(2) is amended by inserting ''plus, in the case of an applicable corporation, the tax imposed by section 59A'' before the period at the end.

(4) CONFORMING AMENDMENTS.—

(A) Section 55(a) is amended by striking ''In the case of a taxpayer other than a corporation, there'' and inserting ''There''.

(B)(i) Section 55(b)(1) is amended—

(I) by striking so much as precedes subparagraph (A) and inserting the following:

''(1) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation—'', and

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

''(D) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term 'alternative minimum taxable income' means the taxable income of the taxpayer for the taxable year—

''(i) determined with the adjustments provided in section 56 and section 58, and

''(ii) increased by the amount of the items of tax preference described in section 57.

If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence).''.

(ii) Section 860E(a)(4) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(iii) Section 897(a)(2)(A)(i) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(C) Section 11(d) is amended by striking ''the tax imposed by subsection (a)'' and inserting ''the taxes imposed by subsection (a) and section 55''.

(D) Section 12 is amended by adding at the end the following new paragraph:

''(5) For alternative minimum tax, see section 55.''.

(E) Section 882(a)(1) is amended by inserting '', 55,'' after ''section 11''.

(F) Section 6425(c)(1)(A) is amended to read as follows:

''(A) the sum of—

''(i) the tax imposed by section 11 or subchapter L of chapter 1, whichever is applicable, plus

''(ii) the tax imposed by section 55, plus

''(iii) the tax imposed by section 59A, over''.

(G) Section 6655(e)(2) is amended by inserting '', adjusted financial statement income (as defined in section 56A),'' before ''and modified taxable income'' each place it appears in subparagraphs (A)(i) and (B)(i).

(H) Section 6655(g)(1)(A) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) the tax imposed by section 55,''.

(b) ADJUSTED FINANCIAL STATEMENT INCOME.—

(1) IN GENERAL.—Part VI of subchapter A of chapter 1 is amended by inserting after section 56 the following new section:

''SEC. 56A. ADJUSTED FINANCIAL STATEMENT INCOME.

''(a) IN GENERAL.—For purposes of this part, the term 'adjusted financial statement income' means, with respect to any corporation for any taxable year, the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for such taxable year, adjusted as provided in this section.

''(b) APPLICABLE FINANCIAL STATEMENT.—For purposes of this section, the term 'applicable financial statement' means, with respect to any taxable year, an applicable financial statement (as defined in section 451(b)(3) or as specified by the Secretary in regulations or other guidance) which covers such taxable year.

''(c) GENERAL ADJUSTMENTS.—

''(1) STATEMENTS COVERING DIFFERENT TAXABLE YEARS.—Appropriate adjustments shall be made in adjusted financial statement income in any case in which an applicable financial statement covers a period other than the taxable year.

''(2) SPECIAL RULES FOR RELATED ENTITIES.—

''(A) CONSOLIDATED FINANCIAL STATEMENTS.—If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, rules similar to the rules of section 451(b)(5) shall apply.

''(B) CONSOLIDATED RETURNS.—Except as provided in regulations prescribed by the Secretary, if the taxpayer is part of an affiliated group of corporations filing a consolidated return for any taxable year, adjusted financial statement income for such group for such taxable year shall take into account items on the group's applicable financial statement which are properly allocable to members of such group.

''(C) TREATMENT OF DIVIDENDS AND OTHER AMOUNTS.—In the case of any corporation which is not included on a consolidated return with the taxpayer, adjusted financial statement income of the taxpayer with respect to such other corporation shall be determined by only taking into account the dividends received from such other corporation (reduced to the extent provided by the Secretary in regulations or other guidance) and other amounts which are includible in gross income or deductible as a loss under this chapter (other than amounts required to be included under sections 951 and 951A or such other amounts as provided by the Secretary) with respect to such other corporation.

''(D) TREATMENT OF PARTNERSHIPS.—

''(i) IN GENERAL.—Except as provided by the Secretary, if the taxpayer is a partner in a partnership, adjusted financial statement income of the taxpayer shall be adjusted to only take into account the taxpayer's distributive share of adjusted financial statement income of such partnership.

''(ii) ADJUSTED FINANCIAL STATEMENT INCOME OF PARTNERSHIPS.—For the purposes of this part, the adjusted financial statement income of a partnership shall be the partnership's net income or loss set forth on such partnership's applicable financial statement (adjusted under rules similar to the rules of this section).

''(3) ADJUSTMENTS TO TAKE INTO ACCOUNT CERTAIN ITEMS OF FOREIGN INCOME.—

''(A) IN GENERAL.—If, for any taxable year, a taxpayer is a United States shareholder of one or more controlled foreign corporations, the adjusted financial statement income of such taxpayer shall be adjusted to take into account such taxpayer's pro rata share (determined under rules similar to the rules under section 951(a)(2)) of items taken into account in computing the net income or loss set forth on the applicable financial statement (as adjusted under rules similar to those that apply in determining adjusted financial statement income) of each such controlled foreign corporation with respect to which such taxpayer is a United States shareholder.

''(B) NEGATIVE ADJUSTMENTS.—In any case in which the adjustment determined under subparagraph (A) would result in a negative adjustment for such taxable year—

''(i) no adjustment shall be made under this paragraph for such taxable year, and

''(ii) the amount of the adjustment determined under this paragraph for the succeeding taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the negative adjustment for such taxable year.

''(4) EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation, to determine adjusted financial statement income, the principles of section 882 shall apply.

''(5) ADJUSTMENTS FOR CERTAIN TAXES.—Adjusted financial statement income shall be appropriately adjusted to disregard any Federal income taxes, or income, war profits, or excess profits taxes (within the meaning of section 901) with respect to a foreign country or possession of the United States, which are taken into account on the taxpayer's applicable financial statement. To the extent provided by the Secretary, the preceding sentence shall not apply to income, war profits, or excess profits taxes (within the meaning of section 901) that are imposed by a foreign country or possession of the United States and taken into account on the taxpayer's applicable financial statement if the taxpayer does not choose to have the benefits of subpart A of part III of subchapter N for the taxable year. The Secretary shall prescribe such regulations or other guidance as may be necessary and appropriate to provide for the proper treatment of current and deferred taxes for purposes of this paragraph, including the time at which such taxes are properly taken into account.

''(6) ADJUSTMENT WITH RESPECT TO DISREGARDED ENTITIES.—Adjusted financial statement income shall be adjusted to take into account any adjusted financial statement income of a disregarded entity owned by the taxpayer.

''(7) SPECIAL RULE FOR COOPERATIVES.—In the case of a cooperative to which section 1381 applies, the adjusted financial statement income (determined without regard to this paragraph) shall be reduced by the amounts referred to in section 1382(b) (relating to patronage dividends and per-unit retain allocations) to the extent such amounts were not otherwise taken into account in determining adjusted financial statement income.

''(8) RULES FOR ALASKA NATIVE CORPORATIONS.—Adjusted financial statement income shall be appropriately adjusted to allow—

''(A) cost recovery and depletion attributable to property the basis of which is determined under section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), and

''(B) deductions for amounts payable made pursuant to section 7(i) or section 7(j) of such Act (43 U.S.C. 1606(i) and 1606(j)) only at such time as the deductions are allowed for tax purposes.

''(9) AMOUNTS ATTRIBUTABLE TO ELECTIONS FOR DIRECT PAYMENT OF CERTAIN CREDITS.—Adjusted financial statement income shall be appropriately adjusted to disregard any amount treated as a payment against the tax imposed by subtitle A pursuant to an election under section 6417, to the extent such amount was not otherwise taken into account under paragraph (5).

''(10) CONSISTENT TREATMENT OF MORTGAGE SERVICING INCOME OF TAXPAYER OTHER THAN A REGULATED INVESTMENT COMPANY.—

''(A) IN GENERAL.—Adjusted financial statement income shall be adjusted so as not to include any item of income in connection with a mortgage servicing contract any earlier than when such income is included in gross income under any other provision of this chapter.

''(B) RULES FOR AMOUNTS NOT REPRESENTING REASONABLE COMPENSATION.—The Secretary shall provide regulations to prevent the avoidance of taxes imposed by this chapter with respect to amounts not representing reasonable compensation (as determined by the Secretary) with respect to a mortgage servicing contract.

''(11) ADJUSTMENT WITH RESPECT TO DEFINED BENEFIT PENSIONS.—

''(A) IN GENERAL.—Except as otherwise provided in rules prescribed by the Secretary in regulations or other guidance, adjusted financial statement income shall be—

''(i) adjusted to disregard any amount of income, cost, or expense that would otherwise be included on the applicable financial statement in connection with any covered benefit plan,

''(ii) increased by any amount of income in connection with any such covered benefit plan that is included in the gross income of the corporation under any other provision of this chapter, and

''(iii) reduced by deductions allowed under any other provision of this chapter with respect to any such covered benefit plan.

''(B) COVERED BENEFIT PLAN.—For purposes of this paragraph, the term 'covered benefit plan' means—

''(i) a defined benefit plan (other than a multiemployer plan described in section 414(f)) if the trust which is part of such plan is an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

''(ii) any qualified foreign plan (as defined in section 404A(e)), or

''(iii) any other defined benefit plan which provides post-employment benefits other than pension benefits.

''(12) TAX-EXEMPT ENTITIES.—In the case of an organization subject to tax under section 511, adjusted financial statement income shall be appropriately adjusted to only take into account any adjusted financial statement income—

''(A) of an unrelated trade or business (as defined in section 513) of such organization, or

''(B) derived from debt-financed property (as defined in section 514) to the extent that income from such property is treated as unrelated business taxable income.

''(13) SECRETARIAL AUTHORITY TO ADJUST ITEMS.—The Secretary shall issue regulations or other guidance to provide for such adjustments to adjusted financial statement income as the Secretary determines necessary to carry out the purposes of this section, including adjustments—

''(A) to prevent the omission or duplication of any item, and

''(B) to carry out the principles of part II of subchapter C of this chapter (relating to corporate liquidations), part III of subchapter C of this chapter (relating to corporate organizations and reorganizations), and part II of subchapter K of this chapter (relating to partnership contributions and distributions).

''(d) DEDUCTION FOR FINANCIAL STATEMENT NET OPERATING LOSS.—

''(1) IN GENERAL.—Adjusted financial statement income (determined after application of subsection (c) and without regard to this subsection) shall be reduced by an amount equal to the lesser of—

''(A) the aggregate amount of financial statement net operating loss carryovers to the taxable year, or

''(B) 80 percent of adjusted financial statement income computed without regard to the deduction allowable under this subsection.

''(2) FINANCIAL STATEMENT NET OPERATING LOSS CARRYOVER.—A financial statement net operating loss for any taxable year shall be a financial statement net operating loss carryover to each taxable year following the taxable year of the loss. The portion of such loss which shall be carried to subsequent taxable years shall be the amount of such loss remaining (if any) after the application of paragraph (1).

''(3) FINANCIAL STATEMENT NET OPERATING LOSS DEFINED.—For purposes of this subsection, the term 'financial statement net operating loss' means the amount of the net loss (if any) set forth on the corporation's applicable financial statement (determined after application of subsection (c) and without regard to this subsection) for taxable years ending after December 31, 2019.

''(e) REGULATIONS AND OTHER GUIDANCE.—The Secretary shall provide for such regulations and other guidance as necessary to carry out the purposes of this section, including regulations and other guidance relating to the effect of the rules of this section on partnerships with income taken into account by an applicable corporation.''.

(2) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 56 the following new item:

''Sec. 56A. Adjusted financial statement income.''.

(c) CORPORATE AMT FOREIGN TAX CREDIT.—Section 59, as amended by this section, is amended by adding at the end the following new subsection:

''(l) CORPORATE AMT FOREIGN TAX CREDIT.—

''(1) IN GENERAL.—For purposes of this part, if an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N for any taxable year, the corporate AMT foreign tax credit for the taxable year of the applicable corporation is an amount equal to sum of—

''(A) the lesser of—

''(i) the aggregate of the applicable corporation's pro rata share (as determined under section 56A(c)(3)) of the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States which are—

''(I) taken into account on the applicable financial statement of each controlled foreign corporation with respect to which the applicable corporation is a United States shareholder, and

''(II) paid or accrued (for Federal income tax purposes) by each such controlled foreign corporation, or

''(ii) the product of the amount of the adjustment under section 56A(c)(3) and the percentage specified in section 55(b)(2)(A)(i), and

''(B) in the case of an applicable corporation that is a domestic corporation, the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States to the extent such taxes are—

''(i) taken into account on the applicable corporation's applicable financial statement, and

''(ii) paid or accrued (for Federal income tax purposes) by the applicable corporation.

''(2) CARRYOVER OF EXCESS TAX PAID.—For any taxable year for which an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N, the excess of the amount described in paragraph (1)(A)(i) over the amount described in paragraph (1)(A)(ii) shall increase the amount described in paragraph (1)(A)(i) in any of the first 5 succeeding taxable years to the extent not taken into account in a prior taxable year.

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide for such regulations or other guidance as is necessary to carry out the purposes of this subsection.''.

(d) TREATMENT OF GENERAL BUSINESS CREDIT.—Section 38(c)(6)(E) is amended to read as follows:

''(E) CORPORATIONS.—In the case of a corporation—

''(i) the first sentence of paragraph (1) shall be applied by substituting '25 percent of the taxpayer's net income tax as exceeds $25,000' for 'the greater of' and all that follows,

''(ii) paragraph (2)(A) shall be applied without regard to clause (ii)(I) thereof, and

''(iii) paragraph (4)(A) shall be applied without regard to clause (ii)(I) thereof.''.

(e) CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—

(1) IN GENERAL.—Section 53(e) is amended to read as follows:

''(e) APPLICATION TO APPLICABLE CORPORATIONS.—In the case of a corporation—

''(1) subsection (b)(1) shall be applied by substituting 'the net minimum tax for all prior taxable years beginning after 2022' for 'the adjusted net minimum tax imposed for all prior taxable years beginning after 1986', and

''(2) the amount determined under subsection (c)(1) shall be increased by the amount of tax imposed under section 59A for the taxable year.''.

(2) CONFORMING AMENDMENTS.—Section 53(d) is amended—

(A) in paragraph (2), by striking '', except that in the case'' and all that follows through ''treated as zero'', and

(B) by striking paragraph (3).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

PART 2—CLOSING THE CARRIED INTEREST LOOPHOLE

SEC. 10201. MODIFICATION OF RULES FOR PARTNERSHIP INTERESTS HELD IN CONNECTION WITH THE PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Section 1061 is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) IN GENERAL.—If one or more applicable partnership interests are held by a taxpayer at any time during the taxable year, the taxpayer's net applicable partnership gain for such taxable year shall be treated as short-term capital gain.

''(b) NET APPLICABLE PARTNERSHIP GAIN.—For purposes of this section—

''(1) IN GENERAL.—The term 'net applicable partnership gain' means—

''(A) the taxpayer's net long-term capital gain determined by only taking into account gains and losses with respect to one or more applicable partnership interests described in subsection (a), and

''(B) any other amounts which are—

''(i) includible in the gross income of the taxpayer with respect to one or more such applicable partnership interests, and

''(ii) treated as capital gain or subject to tax at the rate applicable to capital gain.

''(2) HOLDING PERIOD EXCEPTION.—

''(A) IN GENERAL.—Net applicable partnership gain shall be determined without regard to any amount which is realized after the date that is 5 years after the latest of:

''(i) The date on which the taxpayer acquired substantially all of the applicable partnership interest with respect to which the amount is realized.

''(ii) The date on which the partnership in which such applicable partnership interest is held acquired substantially all of the assets held by such partnership.

''(iii) If the partnership described in clause (i) owns, directly or indirectly, interests in one or more other partnerships, the dates determined by applying rules similar to the rules in clauses (i) and (ii) in the case of each such other partnership.

''(B) SHORTER HOLDING PERIOD IN CERTAIN CIRCUMSTANCES.—Subparagraph (A) shall be applied by substituting '3 years' for '5 years' in the case of—

''(i) a taxpayer (other than a trust or estate) with an adjusted gross income (determined without regard to sections 911, 931 and 933) of less than $400,000, and

''(ii) any income with respect to any applicable partnership interest that is attributable to a real property trade or business within the meaning of section 469(c)(7)(C).

''(iii) The Secretary is directed to provide guidance regarding determination of the amount described in subsection (a) as applied in paragraph (1) hereof, and any necessary and appropriate reporting by any partnership to carry out the purposes of this section. —

''(3) SECTION 83 TO NOT APPLY.—This section shall be applied without regard to section 83 and any election in effect under section 83(b).

''(4) SPECIAL RULE.—To the extent provided by the Secretary, subsection (a) shall not apply to income or gain attributable to any asset not held for portfolio investment on behalf of third party investors.''.

(b) MODIFICATIONS RELATED TO DEFINITION OF APPLICABLE PARTNERSHIP INTEREST.—Section 1061(c) is amended—

(1) in paragraph (1), by striking ''to such other entity'' and inserting ''with respect to a trade or business that is not an applicable trade or business'',

(2) in paragraph (3), by striking ''an interest in a partnership to the extent of the partnership's proportionate interest in any of the foregoing'' and inserting ''except as otherwise provided by the Secretary, an interest in a partnership if such partnership has a direct or indirect interest in any of the foregoing'', and

(3) in paragraph (4)—

(A) by striking ''The term'' and inserting ''Except as otherwise provided by the Secretary, the term'', and

(B) in subparagraph (A), by striking ''corporation'' and inserting ''C corporation''.

(c) RECOGNITION OF GAIN ON TRANSFERS OF APPLICABLE PARTNERSHIP INTERESTS TO UNRELATED PARTIES.—Section 1061(d) is amended to read as follows:

''(d) TRANSFER OF APPLICABLE PARTNERSHIP INTEREST.—If a taxpayer transfers any applicable partnership interest, gain shall be recognized notwithstanding any other provision of this subtitle.''.

(d) REGULATIONS.—Section 1061(e) is amended by striking the period at the end and inserting the following: '', including regulations or other guidance to—

''(1) to prevent the avoidance of the purposes of this section, including through the distribution of property by a partnership and through carry waivers, and

''(2) to provide for the application of this section to financial instruments, contracts or interests in entities other than partnerships to the extent necessary or appropriate to carry out the purposes of this section.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

PART 3—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAXPAYER COMPLIANCE

SEC. 10301. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022:

(A) INTERNAL REVENUE SERVICE.—

(i) IN GENERAL.—

(I) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,181,500,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(II) ENFORCEMENT.—For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations (including investigative technology), to provide digital asset monitoring and compliance activities, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $45,637,400,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(III) OPERATIONS SUPPORT.—For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $25,326,400,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(IV) BUSINESS SYSTEMS MODERNIZATION.—For necessary expenses of the Internal Revenue Service's business systems modernization program, including development of callback technology and other technology to provide a more personalized customer service but not including the operation and maintenance of legacy systems, $4,750,700,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(ii) TASK FORCE TO DESIGN AN IRS-RUN FREE ''DIRECT EFILE'' TAX RETURN SYSTEM.—For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return

complexity) of developing and running a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and safeguards for taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such a free direct efile system; and (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, $15,000,000, to remain available until September 30, 2023: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

(B) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $403,000,000, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

(C) OFFICE OF TAX POLICY.—For necessary expenses of the Office of Tax Policy of the Department of the Treasury to carry out functions related to promulgating regulations under the Internal Revenue Code of 1986, $104,533,803, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

(D) UNITED STATES TAX COURT.—For necessary expenses of the United States Tax Court, including contract reporting and other services as authorized by 5 U.S.C. 3109; $153,000,000, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

(E) TREASURY DEPARTMENTAL OFFICES.—For necessary expenses of the Departmental Offices of the Department of the Treasury to provide for oversight and implementation support for actions by the Internal Revenue Service to implement this Act and the amendments made by this Act, $50,000,000, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

(2) MULTI-YEAR OPERATIONAL PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Internal Revenue shall submit to Congress a plan detailing how the funds appropriated under paragraph (1)(A)(i) will be spent over the ten-year period ending with fiscal year 2031.

(B) QUARTERLY UPDATES.—

(i) IN GENERAL.—Not later than the last day of each calendar quarter beginning during the applicable period, the Commissioner of Internal Revenue shall submit to Congress a report on the plan established under subparagraph (A), including—

(I) any updates to the plan;

(II) progress made in implementing the plan; and

(III) any changes in circumstances or challenges in implementing the plan.

(ii) APPLICABLE PERIOD.—For purposes of clause (i), the applicable period is the period beginning 1 year after the date the report under subparagraph (A) is due and ending on September 30, 2031.

(C) REDUCTION IN APPROPRIATION.—

(i) IN GENERAL.—In the case of any failure to submit a plan required under subparagraph (A) or a report required under subparagraph (B) by the required date, the amounts made available under paragraph (1)(A)(i) shall be reduced by $100,000 for each day after such required date that report has not been submitted to Congress.

(ii) REQUIRED DATE.—For purposes of clause (i), the required date is the date that is 60 days after the date the plan or report is required to be submitted under subparagraph (A) or (B), as the case may be.

(3) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this subsection is intended to increase taxes on any taxpayer with a taxable income below $400,000.

(b) PERSONNEL FLEXIBILITIES.—The Secretary of the Treasury (or the Secretary's delegate) may use the funds made available under subsection (a)(1)(A), subject to such policies as the Secretary (or the Secretary's delegate) may establish, to take such personnel actions as the Secretary (or the Secretary's delegate) determines necessary to administer the Internal Revenue Code of 1986, including—

(1) utilizing direct hire authority to recruit and appoint qualified applicants, without regard to any notice or preference requirements, directly to positions in the competitive service;

(2) in addition to the authority under section 7812(1) of the Internal Revenue Code of 1986, appointing not more than 200 individuals to positions in the Internal Revenue Service under streamlined critical pay authority, except that—

(A) the authority to offer streamlined critical pay under this paragraph shall expire on September 30, 2031; and

(B) the positions for which streamlined critical pay is authorized under this paragraph may include positions critical to the purposes described in subclauses (I), (II), and (III) of subsection (a)(1)(A)(i); and

(3) appointing not more than 300 individuals to positions in the Internal Revenue Service for which—

(A) the rate of basic pay may be established by the Secretary of the Treasury (or the Secretary's delegate) at a rate that does not exceed the salary set in accordance with section 104 of title 3, United States Code; and

(B) the total annual compensation paid to an employee in such a position, including allowances, differentials, bonuses, awards, and similar cash payments, may not exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

Subtitle B—Prescription Drug Pricing Reform

PART 1—LOWERING PRICES THROUGH DRUG PRICE NEGOTIATION

SEC. 11001. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.

(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act is amended by adding after section 1184 (42 U.S.C. 1320e–3) the following new part:

"PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS

"SEC. 1191. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—

"(1) publish a list of selected drugs in accordance with section 1192;

"(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

"(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194;

"(4) carry out the publication and administrative duties and compliance monitoring in accordance with sections 1195 and 1196.

"(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:

"(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a year (beginning with 2026).

"(2) PRICE APPLICABILITY PERIOD.—The term 'price applicability period' means, with respect to a qualifying single source drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.

"(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year.

"(4) NEGOTIATION PERIOD.—The term 'negotiation period' means, with respect to an initial price applicability year with respect to a selected drug, the period—

"(A) beginning on the sooner of—

"(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

"(ii) February 28 following the selected drug publication date with respect to such selected drug; and

"(B) ending on November 1 of the year that begins 2 years prior to the initial price applicability year.

"(c) OTHER DEFINITIONS.—For purposes of this part:

"(1) MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'maximum fair price eligible individual' means, with respect to a selected drug—

"(A) in the case such drug is dispensed to the individual at a pharmacy, by a mail order service, or by another dispenser, an individual who is enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided under such plan for such selected drug; and

"(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier, an individual who is enrolled under part B of title XVIII, including an individual who is enrolled under an MA plan under part C of such title, if such selected drug is covered under such part.

"(2) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price negotiated pursuant to section 1194, and updated pursuant to section 1195(b), as applicable, for such drug and year.

"(3) REFERENCE PRODUCT.—The term 'reference product' has the meaning given such term in section 351(i) of the Public Health Service Act.

"(4) UNIT.—The term 'unit' means, with respect to a drug or biological product, the lowest identifiable amount (such as a capsule or tablet, milligram of molecules, or grams) of the drug or biological product that is dispensed or furnished. The determination of a unit, with respect to a drug or biological product, pursuant to this paragraph shall not be subject to administrative or judicial review.

"(5) TOTAL EXPENDITURES.—The term 'total expenditures' includes, in the case of expenditures with respect to part D of title XVIII, the total gross covered prescription drug costs (as defined in section 1860D–15(b)(3)).

The term 'total expenditures' excludes, in the case of expenditures with respect to part B of such title, expenditures for a drug or biological product that are bundled or packaged into the payment for another service.

''(d) TIMING FOR INITIAL PRICE APPLICABILITY YEAR 2026.—Notwithstanding the provisions of this part, in the case of initial price applicability year 2026, the following rules shall apply for purposes of implementing the program:

''(1) Subsection (b)(3) shall be applied by substituting 'September 1, 2023' for ', with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year'.

''(2) Subsection (b)(4) shall be applied—

''(A) in subparagraph (A)(ii), by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug'; and

''(B) in subparagraph (B), by substituting 'August 1, 2024' for 'November 1 of the year that begins 2 years prior to the initial price applicability year'.

''(3) Section 1192 shall be applied—

''(A) in subsection (b)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year';

''(B) in subsection (d)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year'; and

''(C) in subsection (e)(3)(B), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year'.

''(4) Section 1193(a) shall be applied by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug '.

''(5) Section 1194(b)(2) shall be applied—

''(A) in subparagraph (A), by substituting 'October 2, 2023' for 'March 1 of the year of the selected drug publication date, with respect to the selected drug';

''(B) in subparagraph (B), by substituting 'February 1, 2024' for 'the June 1 following the selected drug publication date'; and

''(C) in subparagraph (E), by substituting 'August 1, 2024' for 'the first day of November following the selected drug publication date, with respect to the initial price applicability year '.

''(6) Section 1195(a) shall be applied—

''(A) in paragraph (1), by substituting 'September 1, 2024' for 'November 30 of the year that is 2 years prior to such initial price applicability year'; and

''(B) in paragraph (2), by substituting 'March 1, 2025' for 'March 1 of the year prior to such initial price applicability year'.

''SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

''(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, in accordance with subsection (b), the Secretary shall select and publish a list of—

''(1) with respect to the initial price applicability year 2026, 10 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 10) such negotiation-eligible drugs with respect to such year);

''(2) with respect to the initial price applicability year 2027, 15 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year);

''(3) with respect to the initial price applicability year 2028, 15 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1) with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year); and

''(4) with respect to the initial price applicability year 2029 or a subsequent year, 20 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1), with respect to such year (or, all (if such number is less than 20) such negotiation-eligible drugs with respect to such year); and

Subject to subsection (c)(2) and section 1194(f)(5), each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period).

''(b) SELECTION OF DRUGS.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), subject to paragraph (2), the Secretary shall, with respect to an initial price applicability year, do the following:

''(A) Rank negotiation-eligible drugs described in subsection (d)(1) according to the total expenditures for such drugs under parts B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available, with the negotiation-eligible drugs with the highest total expenditures being ranked the highest.

''(B) Select from such ranked drugs with respect to such year the negotiation-eligible drugs with the highest such rankings.

''(2) HIGH SPEND PART D DRUGS FOR 2026 AND 2027.—With respect to the initial price applicability year 2026 and with respect to the initial price applicability year 2027, the Secretary shall apply paragraph (1) as if the reference to 'negotiation-eligible drugs described in subsection (d)(1)' were a reference to 'negotiation-eligible drugs described in subsection (d)(1)(A)' and as if the reference to 'total expenditures for such drugs under parts B and D of title XVIII' were a reference to 'total expenditures for such drugs under part D of title XVIII'.

''(c) SELECTED DRUG.—

''(1) IN GENERAL.—For purposes of this part, in accordance with subsection (e)(2) and subject to paragraph (2), each negotiation-eligible drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent year beginning before the first year that begins at least 9 months after the date on which the Secretary determines at least one drug or biological product—

''(A) is approved or licensed (as applicable)—

''(i) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

''(ii) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

''(B) is marketed pursuant to such approval or licensure.

''(2) CLARIFICATION.—A negotiation-eligible drug—

''(A) that is included on the list published under subsection (a) with respect to an initial price applicability year; and

''(B) for which the Secretary makes a determination described in paragraph (1) before or during the negotiation period with respect to such initial price applicability year;

shall not be subject to the negotiation process under section 1194 with respect to such negotiation period and shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under subsection (a) with respect to such initial price applicability year.

''(d) NEGOTIATION-ELIGIBLE DRUG.—

''(1) IN GENERAL.—For purposes of this part, subject to paragraph (2), the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs (or, with respect to the initial price applicability year 2026 or 2027, that is described in subparagraph (A)):

''(A) PART D HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year.

''(B) PART B HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during such most recent period, as described in clause (i).

''(2) EXCEPTION FOR SMALL BIOTECH DRUGS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the term 'negotiation-eligible drug' shall not include, with respect to the initial price applicability years 2026, 2027, and 2028, a qualifying single source drug that meets either of the following:

''(i) PART D DRUGS.—The total expenditures for the qualifying single source drug under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part D, as so determined, for all covered part D drugs (as defined in section 1860D–2(e)) during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part D, as so determined, for all covered part D drugs for which the manufacturer of the drug has an agreement in effect under section 1860D–14A during such year.

''(ii) PART B DRUGS.—The total expenditures for the qualifying single source drug under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs covered under such part B during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs of the manufacturer that are covered under such part B during such year.

''(B) CLARIFICATIONS RELATING TO MANUFACTURERS.—

''(i) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this paragraph.

''(ii) LIMITATION.—A drug shall not be considered to be a qualifying single source drug described in clause (i) or (ii) of subparagraph (A) if the manufacturer of such drug is acquired after 2021 by another manufacturer that does not meet the definition of a specified manufacturer under section 1860D–14C(g)(4)(B)(ii), effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(C) DRUGS NOT INCLUDED AS SMALL BIOTECH DRUGS.—The following shall not be considered a qualifying single source drug described in subparagraph (A):

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and is marketed pursuant to such section.

''(ii) A new formulation, such as an extended release formulation, of a qualifying single source drug.

''(3) CLARIFICATIONS AND DETERMINATIONS.—

''(A) PREVIOUSLY SELECTED DRUGS AND SMALL BIOTECH DRUGS EXCLUDED.—In applying subparagraphs (A) and (B) of paragraph (1), the Secretary shall not consider or count—

''(i) drugs that are already selected drugs; and

''(ii) for initial price applicability years 2026, 2027, and 2028, qualifying single source drugs described in paragraph (2)(A).

''(B) USE OF DATA.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1) or (2), the Secretary shall use data that is aggregated across dosage forms and strengths of the drug, including new formulations of the drug, such as an extended release formulation, and not based on the specific formulation or package size or package type of the drug.

''(e) QUALIFYING SINGLE SOURCE DRUG.—

''(1) IN GENERAL.—For purposes of this part, the term 'qualifying single source drug' means, with respect to an initial price applicability year, subject to paragraphs (2) and (3), a covered part D drug (as defined in section 1860D–2(e)) that is described in any of the following or a drug or biological product covered under part B of title XVIII that is described in any of the following:

''(A) DRUG PRODUCTS.—A drug—

''(i) that is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and is marketed pursuant to such approval;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 7 years will have elapsed since the date of such approval; and

''(iii) that is not the listed drug for any drug that is approved and marketed under section 505(j) of such Act.

''(B) BIOLOGICAL PRODUCTS.—A biological product—

''(i) that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

''(iii) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

''(2) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

''(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (A) or (B) of paragraph (1) that is the listed drug (as such term is used in section 505(j) of the Federal Food, Drug, and Cosmetic Act) or a product described in clause (ii) of subparagraph (B), with respect to an authorized generic drug, in applying the provisions of this part, such authorized generic drug and such listed drug or such product shall be treated as the same qualifying single source drug.

''(B) AUTHORIZED GENERIC DRUG DEFINED.—For purposes of this paragraph, the term 'authorized generic drug' means—

''(i) in the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

''(ii) in the case of a biological product, a product that—

''(I) has been licensed under section 351(a) of such Act; and

''(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

''(3) EXCLUSIONS.—In this part, the term 'qualifying single source drug' does not include any of the following:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such disease or condition.

''(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary, during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year, is less than—

''(i) with respect to 2021, $200,000,000; or

''(ii) with respect to a subsequent year, the dollar amount specified in this subparagraph for the previous year increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with September of such previous year.

''(C) PLASMA-DERIVED PRODUCTS.—A biological product that is derived from human whole blood or plasma.

''(f) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of negotiation-eligible drugs under subsection (d), the determination of qualifying single source drugs under subsection (e), and the selection of drugs under this section are not subject to administrative or judicial review.

''SEC. 1193. MANUFACTURER AGREEMENTS.

''(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

''(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and the manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period, agree to) a maximum fair price for such selected drug of the manufacturer in order for the manufacturer to provide access to such price—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during, subject to paragraph (2), the price applicability period; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during, subject to paragraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with section 1194, renegotiate (and, by not later than the last date of such period, agree to) the maximum fair price for such drug, in order for the manufacturer to provide access to such maximum fair price (as so renegotiated)—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) subject to subsection (d), access to the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided by the manufacturer to—

''(A) maximum fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at the pharmacy, mail order service, or other dispenser at the point-of-sale of such drug (and shall be provided by the manufacturer to the pharmacy, mail order service, or other dispenser, with respect to such maximum fair price eligible individuals who are dispensed such drugs), as described in paragraph (1)(A) or (2)(A), as applicable; and

''(B) hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug, as described in paragraph (1)(B) or (2)(B), as applicable;

''(4) the manufacturer submits to the Secretary, in a form and manner specified by the Secretary, for the negotiation period for the price applicability period (and, if applicable, before any period of renegotiation pursuant to section 1194(f)) with respect to such drug—

''(A) information on the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the drug for the applicable year or period; and

''(B) information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part; and

''(5) the manufacturer complies with requirements determined by the Secretary to be necessary for purposes of administering the program and monitoring compliance with the program.

''(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a selected drug, until such drug is no longer considered a selected drug under section 1192(c).

''(c) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States for purposes of carrying out this part.

''(d) NONDUPLICATION WITH 340B CEILING PRICE.—Under an agreement entered into under this section, the manufacturer of a selected drug shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(1) of such Act) is lower than the maximum fair price for such selected drug, except that the manufacturer shall provide for the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at such entity at such ceiling price in a nonduplicated amount to the ceiling price if the maximum fair price is below the ceiling price for such selected drug.

''SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.

''(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug (or selected drugs), with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

''(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

''(2) renegotiate, in accordance with the process specified pursuant to subsection (f), such maximum fair price for such drug for the purpose described in section 1193(a)(2) if such drug is a renegotiation-eligible drug under such subsection.

''(b) NEGOTIATION PROCESS REQUIREMENTS.—

''(1) METHODOLOGY AND PROCESS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), for negotiations under subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

''(2) SPECIFIC ELEMENTS OF NEGOTIATION PROCESS.—As part of the negotiation process under this section, with respect to a selected drug and the negotiation period with respect to the initial price applicability year with respect to such drug, the following shall apply:

''(A) SUBMISSION OF INFORMATION.—Not later than March 1 of the year of the selected drug publication date, with respect to the selected drug, the manufacturer of the drug shall submit to the Secretary, in accordance with section 1193(a)(4), the information described in such section.

''(B) INITIAL OFFER BY SECRETARY.—Not later than the June 1 following the selected drug publication date, the Secretary shall provide the manufacturer of a selected drug with a written initial offer that contains the Secretary's proposal for the maximum fair price of the drug and a list of the factors described in section 1194(e) that were used in developing such offer.

''(C) RESPONSE TO INITIAL OFFER.—

''(i) IN GENERAL.—Not later than 30 days after the date of receipt of an initial offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

''(ii) COUNTEROFFER REQUIREMENTS.—If a manufacturer proposes a counteroffer, such counteroffer—

''(I) shall be in writing; and

''(II) shall be justified based on the factors described in subsection (e).

''(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (C), the Secretary shall respond in writing to such counteroffer.

''(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall end prior to the first day of November following the selected drug publication date, with respect to the initial price applicability year.

''(F) LIMITATIONS ON OFFER AMOUNT.—In negotiating the maximum fair price of a selected drug, with respect to an initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, the Secretary shall not offer (or agree to a counteroffer for) a maximum fair price for the selected drug that—

''(i) exceeds the ceiling determined under subsection (c) for the selected drug and year; or

''(ii) as applicable, is less than the floor determined under subsection (d) for the selected drug and year.

''(G) TREATMENT OF DETERMINATION.—The determination of a maximum fair price under this section is not subject to administrative or judicial review.

''(c) CEILING FOR MAXIMUM FAIR PRICE.—

''(1) GENERAL CEILING.—

''(A) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first year of the price applicability period with respect to such drug, shall not exceed the lower of the amount under subparagraph (B) or the amount under subparagraph (C).

''(B) SUBPARAGRAPH (B) AMOUNT.—An amount equal to the following:

''(i) COVERED PART D DRUG.—In the case of a covered part D drug (as defined in section 1860D–2(e)), the sum of the plan specific enrollment weighted amounts for each prescription drug plan or MA–PD plan (as determined under paragraph (2)).

''(ii) PART B DRUG OR BIOLOGICAL.—In the case of a drug or biological product covered under part B of title XVIII, the payment amount under section 1847A(b)(4) for the drug or biological product for the year prior to the year of the selected drug publication date with respect to the initial price applicability year for the drug or biological product.

''(C) SUBPARAGRAPH (C) AMOUNT.—An amount equal to the applicable percent described in paragraph (3), with respect to such drug, of the following:

''(i) INITIAL PRICE APPLICABILITY YEAR 2026.—In the case of a selected drug with respect to which such initial price applicability year is 2026, the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year.

''(ii) INITIAL PRICE APPLICABILITY YEAR 2027 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2027 or a subsequent year, the lower of—

''(I) the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year; or

''(II) the average non-Federal average manufacturer price for such drug for the year prior to the selected drug publication date with respect to such initial price applicability year.

''(2) PLAN SPECIFIC ENROLLMENT WEIGHTED AMOUNT.—For purposes of paragraph (1)(B)(i), the plan specific enrollment weighted amount for a prescription drug plan or an MA–PD plan with respect to a covered Part D drug is an amount equal to the product of—

''(A) the negotiated price of the drug under such plan under part D of title XVIII, net of all price concessions received by such plan or pharmacy benefit managers on behalf of such plan, for the most recent year for which data is available; and

''(B) a fraction—

''(i) the numerator of which is the total number of individuals enrolled in such plan in such year; and

''(ii) the denominator of which is the total number of individuals enrolled in a prescription drug plan or an MA–PD plan in such year.

''(3) APPLICABLE PERCENT DESCRIBED.—For purposes of this subsection, the applicable percent described in this paragraph is the following:

''(A) SHORT-MONOPOLY DRUGS AND VACCINES.—With respect to a selected drug (other than an extended-monopoly drug and a long-monopoly drug), 75 percent.

''(B) EXTENDED-MONOPOLY DRUGS.—With respect to an extended-monopoly drug, 65 percent.

''(C) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

''(4) EXTENDED-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'extended-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 12 years, but fewer than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSIONS.—The term 'extended-monopoly drug' shall not include any of the following:

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year that is before 2030.

''(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall limit the transition of a selected drug described in paragraph (3)(A) to a long-monopoly drug if the selected drug meets the definition of a long-monopoly drug.

''(5) LONG-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 16 years have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSION.—The term 'long-monopoly drug' shall not include a vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(6) AVERAGE NON-FEDERAL AVERAGE MANUFACTURER PRICE.—In this part, the term 'average non-Federal average manufacturer price' means the average of the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the 4 calendar quarters of the year involved.

''(d) TEMPORARY FLOOR FOR SMALL BIOTECH DRUGS.—In the case of a selected drug that is a qualifying single source drug described in section 1192(d)(2) and with respect to which the first initial price applicability year of the price applicability period with respect to such drug is 2029 or 2030, the maximum fair price negotiated under this section for such drug for such initial price applicability year may not be less than 66 percent of the average non-Federal average manufacturer price for such drug (as defined in subsection (c)(6)) for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year.

''(e) FACTORS.—For purposes of negotiating the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary shall consider the following factors (and, with respect to extended-monopoly drugs and long-monopoly drugs, shall not, except in making a determination of a material change under subsection (f)(2)(D), consider factors other than those described in subparagraphs (B) and (C) of paragraph (1)):

''(1) MANUFACTURER-SPECIFIC INFORMATION.—The following information, with respect to such selected drug, including as submitted by the manufacturer:

''(A) Research and development costs of the manufacturer for the drug and the extent to which the manufacturer has recouped research and development costs.

''(B) Market data for the drug.

''(C) Unit costs of production and distribution of the drug.

''(D) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

''(E) Data on patents and on existing and pending exclusivity for the drug.

''(F) National sales data for the drug.

''(G) Information on clinical trials for the drug.

''(2) INFORMATION ON ALTERNATIVE TREATMENTS.—The following information, with respect to such selected drug and therapeutic alternatives to such drug:

''(A) The extent to which such drug represents a therapeutic advance as compared to existing therapeutic alternatives and, to the extent such information is available, the costs of such existing therapeutic alternatives.

''(B) Approval by the Food and Drug Administration of such drug and therapeutic alternatives of such drug.

''(C) Comparative effectiveness of such drug and therapeutic alternatives to such drug, taking into consideration the effects of such drug and therapeutic alternatives of such drug on specific populations, such as individuals with disabilities, the elderly, the terminally ill, children, and other patient populations.

''(D) The extent to which such drug and therapeutic alternatives to such drug address unmet medical needs for a condition for which treatment or diagnosis is not addressed adequately by available therapy.

In considering information described in subparagraph (C), the Secretary shall not use evidence or findings from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill.

''(f) RENEGOTIATION PROCESS.—

''(1) IN GENERAL.—In the case of a renegotiation-eligible drug (as defined in paragraph (2)) that is selected under paragraph (3), the Secretary shall provide for a process of renegotiation (for years (beginning with 2028) during the price applicability period, with respect to such drug) of the maximum fair price for such drug consistent with paragraph (4).

''(2) RENEGOTIATION-ELIGIBLE DRUG DEFINED.—In this section, the term 'renegotiation-eligible drug' means a selected drug that is any of the following:

''(A) ADDITION OF NEW INDICATION.—A selected drug for which a new indication is added to the drug.

''(B) CHANGE OF STATUS TO AN EXTENDED-MONOPOLY DRUG.—A selected drug that—

''(i) is not an extended-monopoly or a long-monopoly drug; and

''(ii) for which there is a change in status to that of an extended-monopoly drug.

''(C) CHANGE OF STATUS TO A LONG-MONOPOLY DRUG.—A selected drug that—

''(i) is not a long-monopoly drug; and

''(ii) for which there is a change in status to that of a long-monopoly drug.

''(D) MATERIAL CHANGES.—A selected drug for which the Secretary determines there has been a material change of any of the factors described in paragraph (1) or (2) of subsection (e).

''(3) SELECTION OF DRUGS FOR RENEGOTIATION.—Each year the Secretary shall select among renegotiation-eligible drugs for renegotiation as follows:

''(A) ALL EXTENDED-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(B).

''(B) ALL LONG-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(C).

''(C) REMAINING DRUGS.—Among the remaining renegotiation-eligible drugs described in subparagraphs (A) and (D) of paragraph (2), the Secretary shall select renegotiation-eligible drugs for which the Secretary expects renegotiation is likely to result in a significant change in the maximum fair price otherwise negotiated.

''(4) RENEGOTIATION PROCESS.—The Secretary shall specify the process for renegotiation of maximum fair prices with the manufacturer of a renegotiation-eligible drug selected for renegotiation under this subsection. Such process shall, to the extent practicable, be consistent with the methodology and process established under subsection (b) and in accordance with subsections (c) and (d), and for purposes of applying subsections (c) and (d), the reference to the first initial price applicability year of the price applicability period with respect to such drug shall be treated as the first initial price applicability year of such period for which the maximum fair price established pursuant to such renegotiation applies, including for applying subsection (c)(3)(B) in the case of renegotiation-eligible drugs described in paragraph (3)(A) of this subsection and subsection (c)(3)(C) in the case of renegotiation-eligible drugs described in paragraph (3)(B) of this subsection.

''(5) CLARIFICATION.—A renegotiation-eligible drug for which the Secretary makes a determination described in section 1192(c)(1) before or during the period of renegotiation shall not be subject to the renegotiation process under this section.

''(6) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of renegotiation-eligible drugs under paragraph (2) and the selection of renegotiation-eligible drugs under paragraph (3) are not subject to administrative or judicial review.

''(g) LIMITATION.—

''(1) IN GENERAL.—In no case shall the maximum fair price negotiated under this section for a selected drug that is a qualifying single source drug described in section 1192(e)(1) apply before—

''(A) in the case the selected drug is a qualifying single source drug described in subparagraph (A) of section 1192(e)(1), the date that is 9 years after the day on which the drug was approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act; and

''(B) in the case the selected drug is a qualifying single source drug described in subparagraph (B) of section 1192(e)(1), the date that is 13 years after the day on which the drug was licensed under section 351(a) of the Public Health Service Act.

''(2) CLARIFICATION.—The maximum fair price for a selected drug described in subparagraph (A) or (B) of paragraph (1) shall take effect no later than the first day of the first calendar quarter that begins after the date described in subparagraph (A) or (B), as applicable.

''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—With respect to an initial price applicability year and a selected drug with respect to such year—

''(1) not later than November 30 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish the maximum fair price for such drug negotiated with the manufacturer of such drug under this part; and

''(2) not later than March 1 of the year prior to such initial price applicability year, the Secretary shall publish, subject to section 1193(c), the explanation for the maximum fair price with respect to the factors as applied under section 1194(e) for such drug described in paragraph (1).

''(b) UPDATES.—

''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each year subsequent to the first initial price applicability year of the price applicability period with respect to such drug, with respect to which an agreement for such drug is in effect

under section 1193, not later than November 30 of the year that is 2 years prior to such subsequent year, the Secretary shall publish the maximum fair price applicable to such drug and year, which shall be—

''(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with September of such previous year; or

''(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.

''(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price by not later than 30 days after the date such maximum price is so determined.

''SEC. 1196. ADMINISTRATIVE DUTIES AND COMPLIANCE MONITORING.

''(a) ADMINISTRATIVE DUTIES.—For purposes of section 1191(a)(4), the administrative duties described in this section are the following:

''(1) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

''(A) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of maximum fair price eligible individuals; and

''(B) any other discounts.

''(2) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of such drug.

''(3) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—

''(A) maximum fair price eligible individuals who are enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title; and

''(B) maximum fair price eligible individuals who are enrolled under part B of such title, including who are enrolled under an MA plan under part C of such title.

''(4) The establishment of a negotiation process and renegotiation process in accordance with section 1194.

''(5) The establishment of a process for manufacturers to submit information described in section 1194(b)(2)(A).

''(6) The sharing with the Secretary of the Treasury of such information as is necessary to determine the tax imposed by section 4192 of the Internal Revenue Code of 1986 (relating to enforcement of this part).

''(7) The establishment of procedures for purposes of applying section 1192(d)(2)(B).

''(b) COMPLIANCE MONITORING.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193 and establish a mechanism through which violations of such terms shall be reported.

''SEC. 1197. CIVIL MONETARY PENALTIES.

''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that does not provide access to a price that is not more than the maximum fair price (or a lesser price) for such drug for such year—

''(1) to a maximum fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(1) and who is dispensed such drug during such year (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs); or

''(2) to a hospital, physician, or other provider of services or supplier with respect to maximum fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;

shall be subject to a civil monetary penalty equal to ten times the amount equal to the product of the number of units of such drug so furnished, dispensed, or administered during such year and the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider of services, or supplier and the maximum fair price for such drug for such year.

''(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(5), including the requirement to submit information pursuant to section 1193(a)(4), shall be subject to a civil monetary penalty equal to $1,000,000 for each day of such violation.

''(c) FALSE INFORMATION.—Any manufacturer that knowingly provides false information pursuant to section 1196(a)(7) shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

''(d) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—

(1) UNDER MEDICARE.—

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological product that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug and a year during such period'' after ''paragraph (4)''.

(B) APPLICATION UNDER MA OF COST-SHARING FOR PART B DRUGS BASED OFF OF NEGOTIATED PRICE.—Section 1852(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)(iv)) is amended—

(i) by redesignating subclause (VII) as subclause (VIII); and

(ii) by inserting after subclause (VI) the following subclause:

''(VII) A drug or biological product that is a selected drug (as referred to in section 1192(c)).''.

(C) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended—

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

(ii) in paragraph (2), by striking the period at the end and inserting '', except as provided under section 1860D–4(b)(3)(l); and''; and

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

''(3) may not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of title XI.''.

(D) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

(i) in subparagraph (B), by inserting '', subject to subparagraph (D),'' after ''negotiated prices''; and

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

''(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be no greater than the maximum fair price (as defined in section 1191(c)(2)) for such drug and for each year during such period plus any dispensing fees for such drug.''.

(E) COVERAGE OF SELECTED DRUGS.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

''(I) REQUIRED INCLUSION OF SELECTED DRUGS.—

''(i) IN GENERAL.—For 2026 and each subsequent year, the PDP sponsor offering a prescription drug plan shall include each covered part D drug that is a selected drug under section 1192 for which an agreement for such drug is in effect under section 1193 with respect to the year.

''(ii) CLARIFICATION.—Nothing in clause (i) shall be construed as prohibiting a PDP sponsor from removing such a selected drug from a formulary if such removal would be permitted under section 423.120(b)(5)(iv) of title 42, Code of Federal Regulations (or any successor regulation).''.

(F) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—

(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary in accordance with section 1194(g).''.

(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.

(2) DRUG PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended—

(A) in clause (i)(VI), by striking ''any prices charged'' and inserting ''subject to clause (ii)(V), any prices charged''; and

(B) in clause (ii)—

(i) in subclause (III), by striking ''; and'' at the end;

(ii) in subclause (IV), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as referred to in section 1192(c)) during such rebate period, shall be inclusive of the maximum fair price (as defined in section 1191(c)(2)) for such drug with respect to such period.''.

(3) MAXIMUM FAIR PRICES EXCLUDED FROM AVERAGE MANUFACTURER PRICE.—Section

1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)) is amended—

(A) in subclause (IV) by striking ''; and'' at the end;

(B) in subclause (V) by striking the period at the end and inserting ''; and''; and

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

''(VI) any reduction in price paid during the rebate period to the manufacturer for a drug by reason of application of part E of title XI.''.

(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.

SEC. 11002. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.

(a) IN GENERAL.—Part E of title XI of the Social Security Act, as added by section 11001, is amended—

(1) in section 1192—

(A) in subsection (a), in the flush matter following paragraph (2), by inserting ''and subsection (b)(3)'' after ''the previous sentence'';

(B) in subsection (b)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

''(C) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from the rankings under subparagraph (A) before making the selections under subparagraph (B).''; and

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

''(3) INCLUSION OF DELAYED BIOLOGICAL PRODUCTS.—Pursuant to subparagraphs (B)(ii)(I) and (C)(i) of subsection (f)(2), the Secretary shall select and include on the list published under subsection (a) the biological products described in such subparagraphs. Such biological products shall count towards the required number of drugs to be selected under subsection (a)(1).'';

(C) by redesignating subsection (f) as subsection (g);

(D) by inserting after subsection (e) the following new subsection:

''(f) SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.—

''(1) APPLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a biological product that would (but for this subsection) be an extended-monopoly drug (as defined in section 1194(c)(4)) included as a selected drug on the list published under subsection (a) with respect to an initial price applicability year, the rules described in paragraph (2) shall apply if the Secretary determines that there is a high likelihood (as described in paragraph (3)) that a biosimilar biological product (for which such biological product will be the reference product) will be licensed and marketed under section 351(k) of the Public Health Service Act before the date that is 2 years after the selected drug publication date with respect to such initial price applicability year.

''(B) REQUEST REQUIRED.—

''(i) IN GENERAL.—The Secretary shall not provide for a delay under—

''(I) paragraph (2)(A) unless a request is made for such a delay by a manufacturer of a biosimilar biological product prior to the selected drug publication date for the list published under subsection (a) with respect to the initial price applicability year for which the biological product would have been included as a selected drug on such list but for subparagraph (2)(A); or

''(II) paragraph (2)(B)(iii) unless a request is made for such a delay by such a manufacturer prior to the selected drug publication date for the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product described in subsection (a) would have been included as a selected drug on such list but for paragraph (2)(A).

''(ii) INFORMATION AND DOCUMENTS.—

''(I) IN GENERAL.—A request made under clause (i) shall be submitted to the Secretary by such manufacturer at a time and in a form and manner specified by the Secretary, and contain—

''(aa) information and documents necessary for the Secretary to make determinations under this subsection, as specified by the Secretary; and

''(bb) all agreements related to the biosimilar biological product filed with the Federal Trade Commission or the Assistant Attorney General pursuant to subsections (a) and (c) of section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(II) ADDITIONAL INFORMATION AND DOCUMENTS.—After the Secretary has reviewed the request and materials submitted under subclause (I), the manufacturer shall submit any additional information and documents requested by the Secretary necessary to make determinations under this subsection.

''(C) AGGREGATION RULE.—

''(i) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or in a partnership, shall be treated as one manufacturer for purposes of paragraph (2)(D)(iv).

''(ii) PARTNERSHIP DEFINED.—In clause (i), the term 'partnership' means a syndicate, group, pool, joint venture, or other organization through or by means of which any business, financial operation, or venture is carried on by the manufacturer of the biological product and the manufacturer of the biosimilar biological product.

''(2) RULES DESCRIBED.—The rules described in this paragraph are the following:

''(A) DELAYED SELECTION AND NEGOTIATION FOR 1 YEAR.—If a determination of high likelihood is made under paragraph (3), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until such list is published with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product would have been included as a selected drug on such list.

''(B) IF NOT LICENSED AND MARKETED DURING THE INITIAL DELAY.—

''(i) IN GENERAL.—If, during the time period between the selected drug publication date on which the biological product would have been included on the list as a selected drug pursuant to subsection (a) but for subparagraph (A) and the selected drug publication date with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list, the Secretary determines that the biosimilar biological product for which the manufacturer submitted the request under paragraph (1)(B)(i)(II) (and for which the Secretary previously made a high likelihood determination under paragraph (3)) has not been licensed and marketed under such section 351(k), the Secretary shall, at the request of such manufacturer—

''(I) reevaluate whether there is a high likelihood (as described in paragraph (3)) that such biosimilar biological product will be licensed and marketed under such section 351(k) before the selected drug publication date that is 2 years after the selected drug publication date for which such biological product would have been included as a selected drug on such list published but for subparagraph (A); and

''(II) evaluate whether, on the basis of clear and convincing evidence, the manufacturer of such biosimilar biological product has made a significant amount of progress (as determined by the Secretary) towards both such licensure and the marketing of such biosimilar biological product (based on the items described in paragraph (3)(B)) since the receipt by the Secretary of the request made by such manufacturer under paragraph (1)(B)(i)(I).

''(ii) SELECTION AND NEGOTIATION.—If the Secretary determines that there is not a high likelihood that such biosimilar biological product will be licensed and marketed as described in clause (i)(I) or there has not been a significant amount of progress as described in clause (i)(II)—

''(I) the Secretary shall include the biological product as a selected drug on the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for subparagraph (A); and

''(II) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the year for which such manufacturer would have provided access to a maximum fair price for such biological product but for subparagraph (A).

''(iii) SECOND 1-YEAR DELAY.—If the Secretary determines that there is a high likelihood that such biosimilar biological product will be licensed and marketed (as described in clause (i)(I)) and a significant amount of progress has been made by the manufacturer of such biosimilar biological product towards such licensure and marketing (as described in clause (i)(II)), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until the selected drug publication date of such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection.

''(C) IF NOT LICENSED AND MARKETED DURING THE YEAR TWO DELAY.—If, during the time period between the selected drug publication date of the list for which the biological product would have been included as a selected drug but for subparagraph (B)(iii) and the selected drug publication date with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection, the Secretary determines that such biosimilar biological product has not been licensed and marketed—

''(i) the Secretary shall include such biological product as a selected drug on such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list; and

''(ii) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the years for which such manufacturer would have provided access to a maximum fair price for such biological product but for this subsection.

''(D) LIMITATIONS ON DELAYS.—

''(i) LIMITED TO 2 YEARS.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) for more than 2 years.

''(ii) EXCLUSION OF BIOLOGICAL PRODUCTS THAT TRANSITIONED TO A LONG-MONOPOLY DRUG DURING THE DELAY.—In the case of a biological product for which the inclusion on the list published pursuant to subsection (a) was delayed by 1 year under subparagraph (A) and for which there would have been a change in status to a long-monopoly drug (as defined in section 1194(c)(5)) if such biological product had been a selected drug, in no case may the Secretary provide for a second 1-year delay under subparagraph (B)(iii).

''(iii) EXCLUSION OF BIOLOGICAL PRODUCTS IF MORE THAN 1 YEAR SINCE LICENSURE.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) if more than 1 year has elapsed since the biosimilar biological product has been licensed under section 351(k) and marketing has not commenced for such biosimilar biological product.

''(iv) CERTAIN MANUFACTURERS OF BIOSIMILAR BIOLOGICAL PRODUCTS EXCLUDED.—In no case shall the Secretary delay the inclusion of a biological product as a selected drug on the list published under subsection (a) if the manufacturer of the biosimilar biological product described in paragraph (1)(A)—

''(I) is the same as the manufacturer of the reference product described in such paragraph or is treated as being the same pursuant to paragraph (1)(C);

''(II) has—

''(aa) in the past 5 years, been subject to exclusion under section 1128(b)(7) or to the imposition of civil monetary penalties under section 1128A; or

''(bb) an integrity agreement in effect with the Inspector General of the Department of Health and Human Services that was entered into in lieu of exclusion under section 1128(b)(7);

''(III) is currently subject to a cease and desist order or an injunction in a proceeding or civil action brought by the Federal Trade Commission except for proceedings or actions related solely to a merger or acquisition; or

''(IV) has entered into any agreement described in paragraph (1)(B)(ii)(I)(bb) with the manufacturer of the reference product described in paragraph (1)(A) that requires or incentivizes the manufacturer of the biosimilar biological product to submit a request described in paragraph (1)(B).

''(E) PUBLIC NOTIFICATION.—If the Secretary delays the inclusion of a biological product as a selected drug on the list published under this section pursuant to subparagraph (A) or (B)(iii), the Secretary shall, within 30 days of making the determination with respect to such delay, provide notification to the public of such delay in a form and manner determined by the Secretary.

''(3) HIGH LIKELIHOOD.—

''(A) IN GENERAL.—For purposes of this subsection, there is a high likelihood described in paragraph (1) or paragraph (2), as applicable, if the Secretary finds that—

''(i) an application for licensure under such section 351(k) for the biosimilar biological product has been accepted for review or approved by the Food and Drug Administration; and

''(ii) information from documents described in paragraph (1)(B)(ii) submitted by the manufacturer requesting a delay under paragraph (1)(B) to the Secretary provides clear and convincing evidence that such biosimilar biological product will, within the time period specified under paragraph (1)(A) or (2)(B)(i)(I), be marketed.

''(B) ITEMS DESCRIBED.—The items described in this subparagraph are the following:

''(i) The manufacturing schedule for such biosimilar biological product submitted to the Food and Drug Administration during its review of the application under such section 351(k).

''(ii) Disclosures (in filings by the manufacturer of such biosimilar biological product with the Securities and Exchange Commission required under section 12(b), 12(g), 13(a), or 15(d) of the Securities Exchange Act of 1934 about capital investment, revenue expectations, and actions taken by the manufacturer that are typical of the normal course of business in the year (or the 2 years, as applicable) before marketing of a biosimilar biological product) that pertain to the marketing of such biosimilar biological product, or comparable documentation that is distributed to the shareholders of privately held companies.

''(iii) Agreements filed with the Federal Trade Commission or the Assistant Attorney General pursuant to subsections (a) and (c) of section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(4) REBATE.—

''(A) IN GENERAL.—For purposes of subparagraphs (B)(ii)(II) and (C)(ii) of paragraph (2), in the case of a biological product for which the inclusion on the list under subsection (a) was delayed under this subsection and for which the Secretary has negotiated and entered into an agreement under section 1193 with respect to such biological product, the manufacturer shall be required to pay a rebate to the Secretary at such time and in such manner as determined by the Secretary.

''(B) AMOUNT.—Subject to subparagraph (C), the amount of the rebate under subparagraph (A) with respect to a biological product shall be equal to the estimated amount—

''(i) in the case of a biological product that is a covered part D drug (as defined in section 1860D–2(e)), that is the sum of the products of—

''(I) 75 percent of the amount by which—

''(aa) the average manufacturer price, as reported by the manufacturer of such covered part D drug under section 1927 (or, if not reported by such manufacturer under section 1927, as reported by such manufacturer to the Secretary pursuant to the agreement under section 1193(a)) for such biological product, with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with September of such previous year; and

''(II) the number of units dispensed under part D of title XVIII for such covered part D drug during each such quarter of such price applicability period; and

''(ii) in the case of a biological product covered under part B of title XVIII, that is the sum of the products of—

''(I) 80 percent of the amount by which—

''(aa) the payment amount for such biological product under section 1847A(b), with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with September of such previous year; and

''(II) the number of units (excluding units that are packaged into the payment amount for an item or service and are not separately payable under such part B) of the billing and payment code of such biological product administered or furnished under such part B during each such calendar quarter of such price applicability period.

''(C) SPECIAL RULE FOR DELAYED BIOLOGICAL PRODUCTS THAT ARE LONG-MONOPOLY DRUGS.—

''(i) IN GENERAL.—In the case of a biological product with respect to which a rebate is required to be paid under this paragraph, if such biological product qualifies as a long-monopoly drug (as defined in section 1194(c)(5)) at the time of its inclusion on the list published under subsection (a), in determining the amount of the rebate for such biological product under subparagraph (B), the amount described in clause (ii) shall be substituted for the maximum fair price described in clause (i)(I) or (ii)(I) of such subparagraph (B), as applicable.

''(ii) AMOUNT DESCRIBED.—The amount described in this clause is an amount equal to 65 percent of the average non-Federal average manufacturer price for the biological product for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such biological product for 2021, for the first full year following the market entry for such biological product), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year that would have applied but for this subsection.

''(D) REBATE DEPOSITS.—Amounts paid as rebates under this paragraph shall be deposited into—

''(i) in the case payment is made for such biological product under part B of title XVIII, the Federal Supplementary Medical Insurance Trust Fund established under section 1841; and

''(ii) in the case such biological product is a covered part D drug (as defined in section 1860D–2(e)), the Medicare Prescription Drug Account under section 1860D–16 in such Trust Fund.

''(5) DETERMINATIONS.—The determinations of high likelihood and significant amount of progress under this subsection and the determinations required under paragraph (2)(D)(iv) shall be based on information available to the Secretary, including information required by the Secretary from the manufacturer of the biosimilar biological product making a request for a delay under this subsection.

''(6) DEFINITIONS OF BIOSIMILAR BIOLOGICAL PRODUCT.—In this subsection, the term 'biosimilar biological product' has the meanings given such term in section 1847A(c)(6).''; and

(E) in subsection (g), as redesignated by subparagraph (C), by inserting ''the application of subsection (f),'' after ''subsection (e),'';

(2) in section 1193(a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''and for section 1192(f)'' after ''section 1194(f)'';

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

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

''(C) information that the Secretary requires to carry out section 1192(f), including rebates under paragraph (4) of such section; and'';

(3) in section 1196(a)(7), by inserting '', 1192(f)(1)(C),'' after ''sections 1192(d)(2)(B)''; and

(4) in section 1197—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection:

''(b) VIOLATIONS RELATING TO PROVIDING REBATES.—Any manufacturer that fails to comply with the rebate requirements under section 1192(f)(4) shall be subject to a civil monetary penalty equal to 10 times the amount of the rebate the manufacturer failed to pay under such section.''.

(b) CONFORMING AMENDMENTS FOR DISCLOSURE OF CERTAIN INFORMATION.—Section 1927(b)(3)(D) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)) is amended—

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

(2) in clause (vii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (vii) the following new clause:

''(viii) as the Secretary determines necessary to carry out section 1192(f), including rebates under paragraph (4) of such section.''.

(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.

SEC. 11003. SELECTED DRUG MANUFACTURER EXCISE TAX IMPOSED DURING NONCOMPLIANCE PERIODS.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 50A—SELECTED DRUGS

''SEC. 5000D. SELECTED DRUGS DURING NONCOMPLIANCE PERIODS.

''(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any selected drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

''(1) such tax, divided by

''(2) the sum of such tax and the price for which so sold.

''(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a selected drug if it is a day during one of the following periods:

''(1) The period beginning on the March 1st (or, in the case of initial price applicability year 2026, the October 2nd) immediately following the selected drug publication date and ending on the first date during which the manufacturer of the drug has in place an agreement described in subsection (a) of section 1193 of the Social Security Act with respect to such drug.

''(2) The period beginning on the November 2nd immediately following the March 1st described in paragraph (1) (or, in the case of initial price applicability year 2026, the August 2nd immediately following the October 2nd described in such paragraph) and ending on the first date during which the manufacturer of the drug and the Secretary of Health and Human Services have agreed to a maximum fair price under such agreement.

''(3) In the case of a selected drug with respect to which the Secretary of Health and Human Services has specified a renegotiation period under such agreement, the period beginning on the first date after the last date of such renegotiation period and ending on the first date during which the manufacturer of the drug has agreed to a renegotiated maximum fair price under such agreement.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under such agreement, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(c) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of sales of a selected drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

''(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

''(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

''(4) in the case of sales of such drug during any subsequent day, 95 percent.

''(d) SELECTED DRUG.—For purposes of this section—

''(1) IN GENERAL.—The term 'selected drug' means any selected drug (within the meaning of section 1192(c) of the Social Security Act) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(e) OTHER DEFINITIONS.—For purposes of this section, the terms 'initial price applicability year', 'selected drug publication date', and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

''(f) SPECIAL RULES.—

''(1) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).

''(2) PROHIBITION ON ADMINISTRATIVE APPEALS.—Any tax controversy with respect to the tax imposed by this section shall not be referred to, or considered by, the Internal Revenue Service Independent Office of Appeals.

''(g) EXPORTS.—Rules similar to the rules of section 4662(e) (other than section 4662(e)(2)(A)(ii)(II)) shall apply for purposes of this chapter.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.''.

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275(a)(6) of the Internal Revenue Code of 1986 is amended by inserting ''50A,'' after ''46,''.

(c) CIVIL ACTIONS FOR REFUND.—Section 7422 of the Internal Revenue Code of 1986 is amended by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULES FOR EXCISE TAX IMPOSED BY CHAPTER 50A.—No suit or proceeding shall be maintained in any court for the recovery of any tax imposed under section 5000D until payment has been made by the taxpayer in an amount equal to the full amount of the tax imposed under such section (including any interest or penalties in connection with such tax) with respect to any sales of a selected drug (as defined in section 5000D(d)(1)) during the period for which a return is required to be made with respect to such tax (as determined under regulations prescribed by the Secretary).''.

(d) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 11004. FUNDING.

In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this part.

PART 2—PRESCRIPTION DRUG INFLATION REBATES

SEC. 11101. MEDICARE PART B REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following subsection:

''(i) REBATE BY MANUFACTURERS FOR SINGLE SOURCE DRUGS AND BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after January 1, 2023, the Secretary shall, for each part B rebatable drug, report to each manufacturer of such part B rebatable drug the following for such calendar quarter:

''(i) Information on the total number of billing units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such drug and calendar quarter.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such drug and calendar quarter.

''(iii) The rebate amount specified under such paragraph for such part B rebatable drug and calendar quarter.

''(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2023, the manufacturer of a part B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

''(C) TRANSITION RULE FOR REPORTING.—The Secretary may, for each part B rebatable drug, delay the timeframe for reporting the information described in subparagraph (A) for calendar quarters beginning in 2023 and 2024 until not later than September 30, 2025.

''(2) PART B REBATABLE DRUG DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'part B rebatable drug' means a single source drug or biological (as defined in subparagraph (D) of subsection (c)(6)), including

a biosimilar biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subsection (b)(8)(B)(iii)), that would be payable under this part if such drug were furnished to an individual enrolled under this part, except such term shall not include such a drug or biological—

''(i) if, as determined by the Secretary, the average total allowed charges for such drug or biological under this part for a year per individual that uses such a drug or biological are less than, subject to subparagraph (B), $100; or

''(ii) that is a vaccine described in subparagraph (A) or (B) of section 1861(s)(10).

''(B) INCREASE.—The dollar amount applied under subparagraph (A)(i)—

''(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year; and

''(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for the previous year (without application of subparagraph (C)), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(C) ROUNDING.—Any dollar amount determined under subparagraph (B) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a part B rebatable drug assigned to a billing and payment code for a calendar quarter is, subject to subparagraphs (B) and (G) and paragraph (4), the estimated amount equal to the product of—

''(i) the total number of billing units determined under subparagraph (B) for the billing and payment code of such drug; and

''(ii) the amount (if any) by which—

''(I) the amount equal to—

''(aa) in the case of a part B rebatable drug described in paragraph (1)(B) of section 1847A(b), 106 percent of the amount determined under paragraph (4) of such section for such drug during the calendar quarter; or

''(bb) in the case of a part B rebatable drug described in paragraph (1)(C) of such section, the payment amount under such paragraph for such drug during the calendar quarter; exceeds

''(II) the inflation-adjusted payment amount determined under subparagraph (C) for such part B rebatable drug during the calendar quarter.

''(B) TOTAL NUMBER OF BILLING UNITS.—For purposes of subparagraph (A)(i), the total number of billing units with respect to a part B rebatable drug is determined as follows:

''(i) Determine the total number of units equal to—

''(I) the total number of units, as reported under subsection (c)(1)(B) for each National Drug Code of such drug during the calendar quarter that is two calendar quarters prior to the calendar quarter as described in subparagraph (A), minus

''(II) the total number of units with respect to each National Drug Code of such drug for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A) for the rebate period that is the same calendar quarter as described in subclause (I).

''(ii) Convert the units determined under clause (i) to billing units for the billing and payment code of such drug, using a methodology similar to the methodology used under this section, by dividing the units determined under clause (i) for each National Drug Code of such drug by the billing unit for the billing and payment code of such drug.

''(iii) Compute the sum of the billing units for each National Drug Code of such drug in clause (ii).

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a part B rebatable drug for a calendar quarter is—

''(i) the payment amount for the billing and payment code for such drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the calendar quarter exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning July 1, 2021.

''(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a calendar quarter described in subparagraph (C), the greater of the benchmark period CPI–U and the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

''(G) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part B rebatable drug and a calendar quarter—

''(i) in the case of a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the calendar quarter; or

''(ii) in the case of a biosimilar biological product, when the Secretary determines there is a severe supply chain disruption during the calendar quarter, such as that caused by a natural disaster or other unique or unexpected event.

''(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) TIMELINE FOR PROVISION OF REBATES FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, paragraph (1)(B) shall be applied as if the reference to 'January 1, 2023' under such paragraph were a reference to 'the later of the 6th full calendar quarter after the day on which the drug was first marketed or January 1, 2023'.

''(C) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the July of the year preceding such last year'.

''(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug furnished on or after April 1, 2023, if the payment amount described in paragraph (3)(A)(ii)(I) (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)), the payment amount described in subsection (b)(1)(B) for such drug) for a calendar quarter exceeds the inflation adjusted payment for such quarter—

''(A) in computing the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished, the computation of such coinsurance shall be equal to 20 percent of the inflation-adjusted payment amount determined under paragraph (3)(C) for such part B rebatable drug; and

''(B) the amount of such coinsurance for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subparagraphs (B) or (C) of subsection (b)(1).

''(6) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(7) CIVIL MONEY PENALTY.—If a manufacturer of a part B rebatable drug has failed to comply with the requirements under paragraph (1)(B) for such drug for a calendar quarter, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to at least 125 percent of the amount specified in paragraph (3) for such drug for such calendar quarter. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''; and

(2) in subsection (j), as redesignated by paragraph (1)—

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

(B) in paragraph (5), by striking at the end the period and inserting a semicolon; and

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

''(6) the determination of units under subsection (i);

''(7) the determination of whether a drug is a part B rebatable drug under subsection (i);

''(8) the calculation of the rebate amount under subsection (i); and

''(9) the computation of coinsurance under subsection (i)(5); and

''(10) the computation of amounts paid under section 1833(a)(1)(EE).''.

(b) AMOUNTS PAYABLE; COST-SHARING.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (G), by inserting '', subject to subsection (i)(9),'' after ''the amounts paid'';

(B) in subparagraph (S), by striking ''with respect to'' and inserting ''subject to subparagraph (EE), with respect to'';

(C) by striking ''and (DD)'' and inserting ''(DD)''; and

(D) by inserting before the semicolon at the end the following: '', and (EE) with respect to a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) furnished on or after April 1, 2023, for which the payment amount for a calendar quarter under paragraph (3)(A)(ii)(I) of such section (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B)) for such drug for such quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(II) of such section for such quarter, the amounts paid shall be equal to the percent of the payment amount under paragraph (3)(A)(ii)(I) of such section or section 1847A(b)(1)(B), as applicable, that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(i)(5)(B)'';

(2) in subsection (i), by adding at the end the following new paragraph:

''(9) In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) for which payment under this subsection is not packaged into a payment for a service furnished on or after April 1, 2023, under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''; and

(3) in subsection (t)(8), by adding at the end the following new subparagraph:

''(F) PART B REBATABLE DRUGS.—In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i), except if such drug does not have a copayment amount as a result of application of subparagraph (E)) for which payment under this part is not packaged into a payment for a covered OPD service (or group of services) furnished on or after April 1, 2023, and the payment for such drug under this subsection is the same as the amount for a calendar quarter under paragraph (3)(A)(ii)(I) of section 1847A(i), under the system under this subsection, in lieu of calculation of the copayment amount and the amount of payment otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''subsection (i) or'' before ''section 1927''.

(2) EXCLUDING PART B DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''or section 1847A(i)'' after ''this section''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by inserting ''and the rebate'' after ''the payment amount''.

(4) EXCLUDING PART B DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3), is amended—

(A) in subclause (V), by striking ''and'' at the end;

(B) in subclause (VI), by striking the period at the end and inserting a semicolon; and

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

''(VII) rebates paid by manufacturers under section 1847A(i); and''.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and $7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.

SEC. 11102. MEDICARE PART D REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1395w–114a) the following new section:

''SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable period (as defined in subsection (g)(7)), subject to paragraph (3), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such period:

''(A) The amount (if any) of the excess annual manufacturer price increase described in subsection (b)(1)(A)(ii) for each dosage form and strength with respect to such drug and period.

''(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and period.

''(2) MANUFACTURER REQUIREMENTS.—For each applicable period, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1) for such period, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such dosage form and strength with respect to such drug for such period.

''(3) TRANSITION RULE FOR REPORTING.—The Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in subparagraphs (A) and (B) of such paragraph for the applicable periods beginning October 1, 2022, and October 1, 2023, until not later than December 31, 2025.

''(b) REBATE AMOUNT.—

''(1) IN GENERAL.—

''(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable period is, subject to subparagraph (C), paragraph (5)(B), and paragraph (6), the estimated amount equal to the product of—

''(i) subject to subparagraph (B) of this paragraph, the total number of units that are used to calculate the average manufacturer price of such dosage form and strength with respect to such part D rebatable drug, as reported by the manufacturer of such drug under section 1927 for each month, with respect to such period; and

''(ii) the amount (if any) by which—

''(I) the annual manufacturer price (as determined in paragraph (2)) paid for such dosage form and strength with respect to such part D rebatable drug for the period; exceeds

''(II) the inflation-adjusted payment amount determined under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the period.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the Secretary shall exclude from the total number of units for a dosage form and strength with respect to a part D rebatable drug, with respect to an applicable period, the following:

''(i) Units of each dosage form and strength of such part D rebatable drug for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A).

''(ii) Units of each dosage form and strength of such part D rebatable drug for which a rebate is paid under section 1847A(i).

''(C) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part D rebatable drug and an applicable period—

''(i) in the case of a part D rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the applicable period;

''(ii) in the case of a generic part D rebatable drug (described in subsection (g)(1)(C)(ii)) or a biosimilar (defined as a biological product licensed under section 351(k) of the Public Health Service Act), when the Secretary determines there is a severe supply chain disruption during the applicable period, such as that caused by a natural disaster or other unique or unexpected event; and

''(iii) in the case of a generic Part D rebatable drug (as so described), if the Secretary determines that without such reduction or waiver, the drug is likely to be described as in shortage on such shortage list during a subsequent applicable period.

''(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

''(B) the ratio of—

''(i) the total number of units of such dosage form and strength reported under section 1927 with respect to each such calendar quarter of such period; to

''(ii) the total number of units of such dosage form and strength reported under section 1927 with respect to such period, as determined by the Secretary.

''(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug for an applicable period, subject to paragraph (5), is—

''(A) the benchmark period manufacturer price determined under paragraph (4) for

such dosage form and strength with respect to such drug and period; increased by

''(B) the percentage by which the applicable period CPI–U (as defined in subsection (g)(5)) for the period exceeds the benchmark period CPI–U (as defined in subsection (g)(4)).

''(4) DETERMINATION OF BENCHMARK PERIOD MANUFACTURER PRICE.—The benchmark period manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of the payment amount benchmark period (as defined in subsection (g)(3)); and

''(B) the ratio of—

''(i) the total number of units reported under section 1927 of such dosage form and strength with respect to each such calendar quarter of such payment amount benchmark period; to

''(ii) the total number of units reported under section 1927 of such dosage form and strength with respect to such payment amount benchmark period.

''(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug first approved or licensed by the Food and Drug Administration after October 1, 2021, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the first calendar year beginning after the day on which the drug was first marketed and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the first year beginning after the date on which the drug was first marketed'.

''(B) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable period, consistent with the formula applied under subsection (c)(2)(C) of section 1927 for determining a rebate obligation for a rebate period under such section.

''(ii) LINE EXTENSION DEFINED.—In this subparagraph, the term 'line extension' means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release formulation, but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of whether such abuse-deterrent formulation is an extended release formulation.

''(C) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such selected drug and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the last year beginning during such price applicability period with respect to such drug'.

''(6) RECONCILIATION IN CASE OF REVISED AMP REPORTS.—The Secretary shall provide for a method and process under which, in the case of a manufacturer of a part D rebatable drug that submits revisions to information submitted under section 1927 by the manufacturer with respect to such drug, the Secretary determines, pursuant to such revisions, adjustments, if any, to the calculation of the amount specified in this subsection for a dosage form and strength with respect to such part D rebatable drug and an applicable period and reconciles any overpayments or underpayments in amounts paid as rebates under this subsection. Any identified underpayment shall be rectified by the manufacturer not later than 30 days after the date of receipt from the Secretary of information on such underpayment.

''(c) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(d) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by manufacturers under section 1927(b)(3) and information submitted by States under section 1927(b)(2)(A).

''(e) CIVIL MONEY PENALTY.—If a manufacturer of a part D rebatable drug has failed to comply with the requirement under subsection (a)(2) with respect to such drug for an applicable period, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such period. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of the following:

''(1) The determination of units under this section.

''(2) The determination of whether a drug is a part D rebatable drug under this section.

''(3) The calculation of the rebate amount under this section.

''(g) DEFINITIONS.—In this section:

''(1) PART D REBATABLE DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'part D rebatable drug' means, with respect to an applicable period, a drug or biological described in subparagraph (C) that would (without application of this section) be a covered part D drug (as such term is defined under section 1860D–2(e)).

''(B) EXCLUSION.—

''(i) IN GENERAL.—Such term shall, with respect to an applicable period, not include a drug or biological if the average annual total cost under this part for such period per individual who uses such a drug or biological, as determined by the Secretary, is less than, subject to clause (ii), $100, as determined by the Secretary using the most recent data available or, if data is not available, as estimated by the Secretary.

''(ii) INCREASE.—The dollar amount applied under clause (i)—

''(I) for the applicable period beginning October 1, 2023, shall be the dollar amount specified under such clause for the applicable period beginning October 1, 2022, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of 2023; and

''(II) for a subsequent applicable period, shall be the dollar amount specified in this clause for the previous applicable period, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of the previous period.

Any dollar amount specified under this clause that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(C) DRUG OR BIOLOGICAL DESCRIBED.—A drug or biological described in this subparagraph is a drug or biological that, as of the first day of the applicable period involved, is—

''(i) a drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act;

''(ii) a drug approved under an abbreviated new drug application under section 505(j) of the Federal Food, Drug, and Cosmetic Act, in the case where—

''(I) the reference listed drug approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, including any 'authorized generic drug' (as that term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act), is not being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(II) there is no other drug approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act that is rated as therapeutically equivalent (under the Food and Drug Administration's most recent publication of 'Approved Drug Products with Therapeutic Equivalence Evaluations') and that is being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(III) the manufacturer is not a 'first applicant' during the '180-day exclusivity period', as those terms are defined in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act; and

''(IV) the manufacturer is not a 'first approved applicant' for a competitive generic therapy, as that term is defined in section 505(j)(5)(B)(v) of the Federal Food, Drug, and Cosmetic Act; or

''(iii) a biological licensed under section 351 of the Public Health Service Act.

''(2) UNIT.—The term 'unit' means, with respect to a part D rebatable drug, the lowest dispensable amount (such as a capsule or tablet, milligram of molecules, or grams) of the part D rebatable drug, as reported under section 1927.

''(3) PAYMENT AMOUNT BENCHMARK PERIOD.—The term 'payment amount benchmark period' means the period beginning January 1, 2021, and ending in the month immediately prior to October 1, 2021.

''(4) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(5) APPLICABLE PERIOD CPI–U.—The term 'applicable period CPI–U' means, with respect to an applicable period, the consumer price index for all urban consumers (United States city average) for the first month of such applicable period.

''(6) AVERAGE MANUFACTURER PRICE.—The term 'average manufacturer price' has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a manufacturer for a rebate period under section 1927.

''(7) APPLICABLE PERIOD.—The term 'applicable period' means a 12-month period beginning with October 1 of a year (beginning with October 1, 2022).

''(h) IMPLEMENTATION FOR 2022, 2023, AND 2024.—The Secretary shall implement this section for 2022, 2023, and 2024 by program instruction or other forms of program guidance.''.

(b) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 11101(c)(1), is amended by striking ''subsection (i) or section 1927'' and inserting ''subsection (i), section 1927, or section 1860D–14B''.

(2) EXCLUDING PART D DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)), as amended by section 11101(c)(2), is amended by striking ''or section 1847A(i)'' and inserting '', section 1847A(i), or section 1860D–14B''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by section 11101(c)(3), is amended by striking ''or to carry out section 1847B'' and inserting ''or to carry out section 1847B or section 1860D–14B''.

(4) EXCLUDING PART D DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3) and section 11101(c)(4), is amended by adding at the end the following new subclause:

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

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

''(VIII) rebates paid by manufacturers under section 1860D–14B.''.

(c) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and $7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.

PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

SEC. 11201. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2025 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2025 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''through 2024''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2019 through 2024''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2024'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2025,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2024''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving the margin of each such redesignated item 2 ems to the right;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2024, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2024 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2023 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for each of years 2021 through 2024''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2025, is equal to $2,000; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)—

(i) in clause (i), by striking ''and for amounts'' and inserting ''and, for a year preceding 2025, for amounts''; and

(ii) in clause (iii)—

(I) by redesignating subclauses (I) through (IV) as items (aa) through (dd) and indenting appropriately;

(II) by striking ''if such costs are borne or paid'' and inserting ''if such costs—

''(I) are borne or paid—''; and

(III) in item (dd), by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following new subclause:

''(II) for 2025 and subsequent years, are reimbursed through insurance, a group health plan, or certain other third party payment arrangements, but not including the coverage provided by a prescription drug plan or an MA–PD plan that is basic prescription drug coverage (as defined in subsection (a)(3)) or any payments by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of years 2011 through 2024, in applying''.

(b) REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2025, 80 percent'';

(B) in subparagraph (A), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

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

''(B) for 2025 and each subsequent year, the sum of—

''(i) with respect to applicable drugs (as defined in section 1860D–14C(g)(2)), an amount equal to 20 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B); and

''(ii) with respect to covered part D drugs that are not applicable drugs (as so defined), an amount equal to 40 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B).'';

(2) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

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

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14C(g)(6)) of an applicable drug (as defined in section 1860D–14C(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(3) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''(or, with respect to 2025 and subsequent years, in the case of an applicable drug, as defined in section 1860D–14C(g)(2), by a manufacturer)'' after ''by the individual or under the plan''.

(c) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 through 42 U.S.C. 1395w–153), as amended by section 11102, is amended by inserting after section 1860D–14B the following new sections:

''SEC. 1860D–14C. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c).

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide, in accordance with this section, discounted prices for applicable drugs of the manufacturer that are dispensed to applicable beneficiaries on or after January 1, 2025.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting—

''(i) the application of a coinsurance of 25 percent of the negotiated price, as applied under paragraph (2)(A) of section 1860D–2(b), for costs described in such paragraph; or

''(ii) the application of the copayment amount described in paragraph (4)(A) of such section, with respect to costs described in such paragraph.

''(C) TIMING OF AGREEMENT.—

''(i) SPECIAL RULE FOR 2025.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2025, and ending on December 31, 2025, the manufacturer shall enter into such agreement not later than March 1, 2024.

''(ii) 2026 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2026 or a subsequent plan year, the manufacturer shall enter into such agreement not later than a calendar quarter or semi-annual deadline established by the Secretary.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary, as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary shall provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 31 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 31 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect at the start of a calendar quarter or another date specified by the Secretary.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(C) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as specified by the Secretary; and

''(D) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, prescription drug plans and MA–PD plans, and the Secretary.

''(2) MONITORING COMPLIANCE.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—A manufacturer that fails to provide discounted prices for applicable drugs of the manufacturer dispensed to applicable beneficiaries in accordance with such agreement shall be subject to a civil money penalty for each such failure in an amount the Secretary determines is equal to the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that exceed the annual deductible specified in section 1860D–2(b)(1).

''(2) APPLICABLE DRUG.—The term 'applicable drug', with respect to an applicable beneficiary—

''(A) means a covered part D drug—

''(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act; and

''(ii)(I) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(II) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(III) is provided through an exception or appeal; and

''(B) does not include a selected drug (as referred to under section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)) with respect to such drug.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means, subject to subparagraphs (B) and (C), with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—

''(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, 90 percent of the negotiated price of such drug; and

''(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 80 percent of the negotiated price of such drug.

''(B) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary who is a subsidy eligible individual (as defined in section 1860D–14(a)(3)), the term 'discounted price' means the specified LIS percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (II), the term 'specified manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer had a coverage gap discount agreement under section 1860D–14A;

''(bb) the total expenditures for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year and covered under this part during such year represented less than 1.0 percent of the

total expenditures under this part for all covered Part D drugs during such year; and

''(cc) the total expenditures for all of the specified drugs of the manufacturer that are single source drugs and biological products covered under part B during such year represented less than 1.0 percent of the total expenditures under part B for all drugs or biological products covered under such part during such year.

''(II) SPECIFIED DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified drug' means, with respect to a specified manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED LIS PERCENT.—In this subparagraph, the 'specified LIS percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(C) PHASE-IN FOR SPECIFIED SMALL MANUFACTURERS.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary, the term 'discounted price' means the specified small manufacturer percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED SMALL MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (III), the term 'specified small manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer is a specified manufacturer (as defined in subparagraph (B)(ii)); and

''(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are covered by the agreement or agreements under section 1860D–14A of such manufacturer for such year and covered under this part during such year are equal to or more than 80 percent of the total expenditures under this part for all specified small manufacturer drugs of the manufacturer that are covered by such agreement or agreements for such year and covered under this part during such year.

''(II) SPECIFIED SMALL MANUFACTURER DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified small manufacturer drugs' means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified small manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified small manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term 'specified small manufacturer percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(D) TOTAL EXPENDITURES.—For purposes of this paragraph, the term 'total expenditures' includes, in the case of expenditures with respect to part D, the total gross covered prescription drug costs as defined in section 1860D–15(b)(3). The term 'total expenditures' excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

''(E) SPECIAL CASE FOR CERTAIN CLAIMS.—

''(i) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

''(ii) CLAIMS SPANNING OUT-OF-POCKET THRESHOLD.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price—

''(I) in accordance with subparagraph (A)(i) on the portion of the negotiated price of the applicable drug that falls below such threshold; and

''(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term for purposes of section 1860D–2(d)(1)(B), and, with respect to an applicable drug, such negotiated price shall include any dispensing fee and, if applicable, any vaccine administration fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).

''SEC. 1860D–14D. SELECTED DRUG SUBSIDY PROGRAM.

''With respect to covered part D drugs that would be applicable drugs (as defined in section 1860D–14C(g)(2)) but for the application of subparagraph (B) of such section, the Secretary shall provide a process whereby, in the case of an applicable beneficiary (as defined in section 1860D–14C(g)(1)) who, with respect to a year, is enrolled in a prescription drug plan or is enrolled in an MA–PD plan, has not incurred costs that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i), and is dispensed such a drug, the Secretary (periodically and on a timely basis) provides the PDP sponsor or the MA organization offering the plan, a subsidy with respect to such drug that is equal to 10 percent of the negotiated price (as defined in section 1860D–14C(g)(6)) of such drug.''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395w–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

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

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2025, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply on and after January 1, 2025, with respect to applicable drugs dispensed prior to such date.''.

(3) SELECTED DRUG SUBSIDY PAYMENTS FROM MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

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

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

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

''(E) payments under section 1860D–14D (relating to selected drug subsidy payments).''.

(d) MEDICARE PART D PREMIUM STABILIZATION.—

(1) 2024 THROUGH 2029.—Section 1860D–13 of the Social Security Act (42 U.S.C. 1395w–113) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A), by inserting ''or (8) (as applicable)'' after ''paragraph (2)'';

(ii) in paragraph (2), in the matter preceding subparagraph (A), by striking ''The base'' and inserting ''Subject to paragraph (8), the base'';

(iii) in paragraph (7)—

(I) in subparagraph (B)(ii), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

(II) in subparagraph (E)(i), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

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

''(8) PREMIUM STABILIZATION.—

''(A) IN GENERAL.—The base beneficiary premium under this paragraph for a prescription drug plan for a month in 2024 through 2029 shall be computed as follows:

''(i) 2024.—The base beneficiary premium for a month in 2024 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under paragraph (2) for a month in 2023 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2024 that would have applied if this paragraph had not been enacted.

''(ii) 2025.—The base beneficiary premium for a month in 2025 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (i) for a month in 2024 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2025 that would have applied if this paragraph had not been enacted.

''(iii) 2026.—The base beneficiary premium for a month in 2026 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (ii) for a month in 2025 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2026 that would have applied if this paragraph had not been enacted.

''(iv) 2027.—The base beneficiary premium for a month in 2027 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iii) for a month in 2026 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2027 that would have applied if this paragraph had not been enacted.

''(v) 2028.—The base beneficiary premium for a month in 2028 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iv) for a month in 2027 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2028 that would have applied if this paragraph had not been enacted.

''(vi) 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (v) for a month in 2028 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2029 that would have applied if this paragraph had not been enacted.

''(B) CLARIFICATION REGARDING 2030 AND SUBSEQUENT YEARS.—The base beneficiary premium for a month in 2030 or a subsequent year shall be computed under paragraph (2) without regard to this paragraph.''; and

(B) in subsection (b)(3)(A)(ii), by striking ''subsection (a)(2)'' and inserting ''paragraph (2) or (8) of subsection (a) (as applicable)''.

(2) ADJUSTMENT TO BENEFICIARY PREMIUM PERCENTAGE FOR 2030 AND SUBSEQUENT YEARS.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)), as amended by paragraph (1), is amended—

(A) in paragraph (3)(A), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

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

''(9) PERCENT SPECIFIED.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of paragraph (3)(A), the percent specified under this paragraph for 2030 and each subsequent year is the percent that the Secretary determines is necessary to ensure that the base beneficiary premium computed under paragraph (2) for a month in 2030 is equal to the lesser of—

''(i) the base beneficiary premium computed under paragraph (8)(A)(vi) for a month in 2029 increased by 6 percent; or

''(ii) the base beneficiary premium computed under paragraph (2) for a month in 2030 that would have applied if this paragraph had not been enacted.

''(B) FLOOR.—The percent specified under subparagraph (A) may not be less than 20 percent.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 1854(b)(2)(B) of the Social Security Act 42 U.S.C. 1395w–24(b)(2)(B)) is amended by striking ''section 1860D–13(a)(2)'' and inserting ''paragraph (2) or (8) (as applicable) of section 1860D–13(a)''.

(B) Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by inserting ''(or, for 2030 and each subsequent year, the percent specified under section 1860D–13(a)(9))'' after ''25.5 percent''.

(C) Section 1860D–13(a)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)) is amended—

(i) in subclause (I), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

(ii) in subclause (II), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''.

(D) Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is amended—

(i) in the matter preceding paragraph (1), by inserting ''(or, for each of 2024 through 2029, the percent applicable as a result of the application of section 1860D–13(a)(8), or, for 2030 and each subsequent year, 100 percent minus the percent specified under section 1860D–13(a)(9))'' after ''74.5 percent''; and

(ii) in paragraph (1)(B), by striking ''paragraph (2) of section 1860D–13(a)'' and inserting ''paragraph (2) or (8) of section 1860D–13(a) (as applicable)''.

(e) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or, for a year preceding 2025, an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or, for a year preceding 2025, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2025, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2024, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation''; and

(ii) in subparagraph (E), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa) (for a year preceding 2024)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2025, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

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

''(ii) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14C.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2025'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) participate in—

''(A) for 2011 through 2024, the Medicare coverage gap discount program under section 1860D–14A; and

''(B) for 2025 and each subsequent year, the manufacturer discount program under section 1860D–14C;'';

(ii) by striking paragraph (2) and inserting the following:

''(2) have entered into and have in effect—

''(A) for 2011 through 2024, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

''(B) for 2025 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and''; and

(iii) in paragraph (3), by striking ''such section'' and inserting ''section 1860D–14A''; and

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

''(b) EFFECTIVE DATE.—Paragraphs (1)(A), (2)(A), and (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2025, and paragraphs (1)(B) and (2)(B) of such subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2025.''.

(8) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(i)(VI), by inserting before the period at the end the following: ''or under the manufacturer discount program under section 1860D–14C''; and

(B) in subsection (k)(1)(B)(i)(V), by inserting before the period at the end the following: ''or under section 1860D–14C''.

(f) IMPLEMENTATION FOR 2024 THROUGH 2026.—The Secretary shall implement this section, including the amendments made by this section, for 2024, 2025, and 2026 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $341,000,000 for fiscal year 2022, including $20,000,000 and $65,000,000 to carry out the provisions of, including the amendments made by, this section in fiscal years 2022 and 2023, respectively, and $32,000,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2024 through 2031, to remain available until expended.

SEC. 11202. MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

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

''(E) MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee of such plan, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D–14(a)), the option to elect with respect to a plan year to pay cost-sharing under the plan in monthly amounts that are capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year for which an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month for which the enrollee has made an election pursuant to clause (i), an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional out-of-pocket costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph—

''(aa) the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B); and

''(bb) the PDP sponsor or MA organization may preclude the enrollee from making an election pursuant to clause (i) in a subsequent plan year.

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''subparagraph (E)'' and inserting ''subparagraph (E) or subparagraph (F)''; and

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

''(F) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST-SHARING.—The maximum monthly cap on cost-sharing payments shall apply to coverage with respect to an enrollee who has made an election pursuant to clause (i) of subsection (b)(2)(E) under the option provided under such subsection.''.

(c) IMPLEMENTATION FOR 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2025 by program instruction or other forms of program guidance.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2023, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

PART 4—REPEAL OF PRESCRIPTION DRUG REBATE RULE

SEC. 11301. PROHIBITING IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

Section 90006 of division I of the Infrastructure Investment and Jobs Act (42 U.S.C. 1320a–7b note), as amended by section 13101 of division A of the Bipartisan Safer Communities Act, is amended by striking '', prior to January 1, 2027,''.

PART 5—MISCELLANEOUS

SEC. 11401. COVERAGE OF ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES UNDER MEDICARE PART D.

(a) ENSURING TREATMENT OF COST-SHARING AND DEDUCTIBLE IS CONSISTENT WITH TREATMENT OF VACCINES UNDER MEDICARE PART B.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by sections 11201 and 11202, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and paragraph (8)'' after ''and (E)'';

(ii) in subparagraph (C)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)''; and

(iii) in subparagraph (D)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)'';

(C) in paragraph (4)(A)(i), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage''; and

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

''(8) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES CONSISTENT WITH TREATMENT OF VACCINES UNDER PART B.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in subparagraph (B))—

''(i) the deductible under paragraph (1) shall not apply; and

''(ii) there shall be no coinsurance or other cost-sharing under this part with respect to such vaccine.

''(B) ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For purposes of this paragraph, the term 'adult vaccine recommended by the Advisory Committee on Immunization Practices' means a covered part D drug that is a vaccine licensed under section 351 of the Public Health Service Act for use by adult populations and administered in accordance with recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—The coverage is in accordance with subsection (b)(8).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by section 11201, is amended—

(1) in paragraph (1)(D), in each of clauses (ii) and (iii), by striking ''In the case'' and inserting ''Subject to paragraph (6), in the case'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''A reduction'' and inserting ''Subject to section 1860D–2(b)(8), a reduction'';

(B) in subparagraph (D), by striking ''The substitution'' and inserting ''Subject to paragraph (6), the substitution''; and

(C) in subparagraph (E), by striking ''and subsection (c)'' and inserting '', paragraph (6) of this subsection, and subsection (c)''; and

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

''(6) NO APPLICATION OF COST-SHARING OR DEDUCTIBLE FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in section 1860D–2(b)(8)(B))—

''(A) the deductible under section 1860D–2(b)(1) shall not apply; and

''(B) there shall be no cost-sharing under this section with respect to such vaccine.''.

(c) TEMPORARY RETROSPECTIVE SUBSIDY.—Section 1860D–15 of the Social Security Act (42 U.S.C. 1395w–115) is amended by adding at the end the following new subsection:

''(h) TEMPORARY RETROSPECTIVE SUBSIDY FOR REDUCTION IN COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES DURING 2023.—

''(1) IN GENERAL.—In addition to amounts otherwise payable under this section to a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan, for plan year 2023, the Secretary shall provide the PDP sponsor or MA organization offering the plan subsidies in an amount equal to the aggregate reduction in cost-sharing by reason of the application of section 1860D–2(b)(8) for individuals under the plan during the year.

''(2) TIMING.—The Secretary shall provide a subsidy under paragraph (1), as applicable, not later than 18 months following the end of the applicable plan year.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting coverage under part D of title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(e) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2023, 2024, and 2025, by program instruction or other forms of program guidance.

SEC. 11402. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

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

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after July 1, 2024, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

SEC. 11403. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR CERTAIN BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margin of each such redesignated clause 2 ems to the right;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

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

''(B) TEMPORARY PAYMENT INCREASE.—

''(i) IN GENERAL.—In the case of a qualifying biosimilar biological product that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product with respect to such period is the sum determined under subparagraph (A), except that clause (ii) of such subparagraph shall be applied by substituting '8 percent' for '6 percent'.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a qualifying biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of September 30, 2022, the 5-year period beginning on October 1, 2022; and

''(II) in the case of such a product for which payment is first made under this paragraph during a calendar quarter during the period beginning October 1, 2022, and ending December 31, 2027, the 5-year period beginning on the first day of such calendar quarter during which such payment is first made.

''(iii) QUALIFYING BIOSIMILAR BIOLOGICAL PRODUCT DEFINED.—For purposes of this subparagraph, the term 'qualifying biosimilar biological product' means a biosimilar biological product described in paragraph (1)(C) with respect to which—

''(I) in the case of a product described in clause (ii)(I), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product; and

''(II) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product.''.

SEC. 11404. EXPANDING ELIGIBILITY FOR LOW-INCOME SUBSIDIES UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by section 11201, is amended—

(1) in the subsection heading, by striking ''INDIVIDUALS'' and all that follows through ''LINE'' and inserting ''CERTAIN INDIVIDUALS'';

(2) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''INDIVIDUALS WITH CERTAIN LOW INCOMES''; and

(B) in the matter preceding subparagraph (A), by inserting ''(or, with respect to a plan year beginning on or after January 1, 2024, 150 percent)'' after ''135 percent''; and

(3) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''OTHER LOW-INCOME INDIVIDUALS''; and

(B) in the matter preceding subparagraph (A), by striking ''In the case of a subsidy'' and inserting ''With respect to a plan year beginning before January 1, 2024, in the case of a subsidy''.

SEC. 11405. IMPROVING ACCESS TO ADULT VACCINES UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—

(A) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by inserting ''(13)(B),'' after ''(5),''.

(B) MEDICALLY NEEDY.—Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting '', (13)(B),'' after ''(5)''.

(2) NO COST SHARING FOR VACCINATIONS.—

(A) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(i) in subsection (a)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

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

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''; and

(ii) in subsection (b)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

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

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

''(xiv) Vaccines described in section 1905(a)(13)(B) and the administration of such vaccines.''.

(3) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking ''and (5)'' and inserting ''(5)'';

(B) by striking ''services and vaccines described in subparagraphs (A) and (B) of subsection (a)(13), and prohibits cost-sharing for such services and vaccines'' and inserting ''services described in subsection (a)(13)(A), and prohibits cost-sharing for such services'';

(C) by striking ''medical assistance for such services and vaccines'' and inserting ''medical assistance for such services''; and

(D) by inserting '', and (6) during the first 8 fiscal quarters beginning on or after the effective date of this clause, in the case of a State which, as of the date of enactment of the Inflation Reduction Act of 2022, provides medical assistance for vaccines described in subsection (a)(13)(B) and their administration and prohibits cost-sharing for such vaccines, the Federal medical assistance percentage, as determined under this subsection and subsection (y), shall be increased by 1 percentage point with respect to medical assistance for such vaccines and their administration'' before the first period.

(b) CHIP.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

''(12) REQUIRED COVERAGE OF APPROVED, RECOMMENDED ADULT VACCINES AND THEIR ADMINISTRATION.—Regardless of the type of coverage elected by a State under subsection (a), if the State child health plan or a waiver of such plan provides child health assistance or pregnancy-related assistance (as defined in section 2112) to an individual who is 19 years of age or older, such assistance shall include coverage of vaccines described in section 1905(a)(13)(B) and their administration.''.

(2) NO COST-SHARING FOR VACCINATIONS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting ''vaccines described in subsection (c)(12) (and the administration of such vaccines),'' after ''in vitro diagnostic products described in subsection (c)(10) (and administration of such products),''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st fiscal quarter that begins on or after the date that is 1 year after the date of enactment of this Act and shall apply to expenditures made under a State plan or waiver of such plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w–6) or under a State child health plan or waiver of such plan under title XXI of such Act (42 U.S.C. 1397aa through 1397mm) on or after such effective date.

Subtitle C—Affordable Care Act Subsidies

SEC. 12001. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) IN GENERAL.—Clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(b) EXTENSION THROUGH 2025 OF RULE TO ALLOW CREDIT TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—Section 36B(c)(1)(E) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

Subtitle D—Energy Security

SEC. 13001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CLEAN ELECTRICITY AND REDUCING CARBON EMISSIONS

SEC. 13101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2022'' each place it appears and inserting ''January 1, 2025'':

(1) Paragraph (2)(A).

(2) Paragraph (3)(A).

(3) Paragraph (6).

(4) Paragraph (7).

(5) Paragraph (9).

(6) Paragraph (11)(B).

(b) BASE CREDIT AMOUNT.—Section 45 is amended—

(1) in subsection (a)(1), by striking ''1.5 cents'' and inserting ''0.3 cents'', and

(2) in subsection (b)(2), by striking ''1.5 cent'' and inserting ''0.3 cent''.

(c) APPLICATION OF EXTENSION TO GEOTHERMAL AND SOLAR.—Section 45(d)(4) is amended by striking ''and which'' and all that follows through ''January 1, 2022'' and inserting ''and the construction of which begins before January 1, 2025''.

(d) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(e) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5) is amended by inserting ''which is placed in service before January 1, 2022'' after ''using wind to produce electricity''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E) is amended by inserting ''placed in service before January 1, 2022, and'' before ''treated as energy property''.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is amended by striking ''offshore wind facility'' and all that follows and inserting the following: ''offshore wind facility, subparagraph (E) shall not apply.''.

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45(b) is amended by adding at the end the following new paragraphs:

''(6) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (5) and without regard to this paragraph) shall be equal to such amount multiplied by 5.

''(B) QUALIFIED FACILITY REQUIREMENTS.—A qualified facility meets the requirements of this subparagraph if it is one of the following:

''(i) A facility with a maximum net output of less than 1 megawatt (as measured in alternating current).

''(ii) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7)(A) and (8).

''(iii) A facility which satisfies the requirements of paragraphs (7)(A) and (8).

''(7) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (6)(A) for a taxable year, the requirement under clause (ii) is applied to such taxable year in which the alteration or repair of the qualified facility occurs.''

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

''(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

''(aa) an amount equal to the difference between—

''(AA) the amount of wages paid to such laborer or mechanic during such period, and

''(BB) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

''(bb) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 (determined by

substituting '6 percentage points' for '3 percentage points' in subsection (a)(2) of such section) for the period described in such item, and

''(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $5,000, multiplied by

''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply with respect to the assessment or collection of any penalty imposed by this paragraph.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in clause (i) is due to intentional disregard of the requirements under subparagraph (A), such clause shall be applied—

''(I) in subclause (I), by substituting 'three times the sum' for 'the sum', and

''(II) in subclause (II), by substituting '$10,000' for '5,000' in item (aa) thereof.

''(iv) LIMITATION ON PERIOD FOR PAYMENT.—Pursuant to rules issued by the Secretary, in the case of a final determination by the Secretary with respect to any failure by the taxpayer to satisfy the requirement under subparagraph (A), subparagraph (B)(i) shall not apply unless the payments described in subclauses (I) and (II) of such subparagraph are made by the taxpayer on or before the date which is 180 days after the date of such determination.

''(8) APPRENTICESHIP REQUIREMENTS.—The requirements described in this paragraph with respect to the construction of any qualified facility are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—Taxpayers shall ensure that, with respect to the construction of any qualified facility, not less than the applicable percentage of the total labor hours of the construction, alteration, or repair work (including such work performed by any contractor or subcontractor) with respect to such facility shall, subject to subparagraph (B), be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be—

''(I) in the case of a qualified facility the construction of which begins before January 1, 2023, 10 percent,

''(II) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and

''(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

''(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

''(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work with respect to the construction of a qualified facility shall employ 1 or more qualified apprentices to perform such work.

''(D) EXCEPTION.—

''(i) IN GENERAL.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—

''(I) satisfies the requirements described in clause (ii), or

''(II) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) with respect to the construction, alteration, or repair work on any qualified facility to which subclause (I) does not apply, makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $50, multiplied by

''(bb) the total labor hours for which the requirement described in such subparagraph was not satisfied with respect to the construction, alteration, or repair work on such qualified facility.

''(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under this paragraph with respect to a qualified facility if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and—

''(I) such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work with respect to such qualified facility to comply with the established standards and requirements of the registered apprenticeship program, or

''(II) the registered apprenticeship program fails to respond to such request within 5 business days after the date on which such registered apprenticeship program received such request.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in subclause (i)(II) is due to intentional disregard of the requirements under subparagraphs (A) and (C), subclause (i)(II) shall be applied by substituting '$500' for '$50' in item (aa) thereof.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours'—

''(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by employees of the taxpayer (including construction, alteration, or repair work by any contractor or subcontractor), and

''(II) excludes any hours worked by—

''(aa) foremen,

''(bb) superintendents,

''(cc) owners, or

''(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' means an individual who is an employee of the contractor or subcontractor and who is participating in a registered apprenticeship program, as defined in section 3131(e)(3)(B).

''(9) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(g) DOMESTIC CONTENT, PHASEOUT, AND ENERGY COMMUNITIES.—Section 45(b), as amended by subsection (f), is amended—

(1) by redesignating paragraph (9) as paragraph (12), and

(2) by inserting after paragraph (8) the following:

''(9) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (8)) shall be increased by an amount equal to 10 percent of the amount so determined.

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be 40 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

''(10) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (9)(B) with respect to the construction of such facility, or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent, and

''(ii) if construction of such facility began in calendar year 2024, 90 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph for the construction of qualified facilities if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.

''(11) SPECIAL RULE FOR QUALIFIED FACILITY LOCATED IN ENERGY COMMUNITY.—

''(A) IN GENERAL.—In the case of a qualified facility which is located in an energy community, the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.

''(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term 'energy community' means—

''(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(ii)(III) of section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39))),

''(ii) an area which has (or, at any time during the period beginning after December 31, 1999, had) significant employment related to the extraction, processing, transport, or storage of coal, oil, or natural gas (as determined by the Secretary), or

''(iii) a census tract—

''(I) in which—

''(aa) after December 31, 1999, a coal mine has closed, or

''(bb) after December 31, 2009, a coal-fired electric generating unit has been retired, or

''(II) which is directly adjoining to any census tract described in subclause (I).''.

(h) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of 15 percent or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of proceeds of an issue of any obligations the interest on which is exempt from tax under section 103 and which is used to provide financing for the qualified facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the qualified facility for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(i) ROUNDING ADJUSTMENT.—

(1) IN GENERAL.—Section 45(b)(2) is amended by striking the second sentence and inserting the following: ''If the 0.3 cent amount as increased under the preceding sentence is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. In any other case, if an amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) CONFORMING AMENDMENT.—Section 45(b)(4)(A) is amended by striking ''last sentence'' and inserting ''last two sentences''.

(j) HYDROPOWER.—

(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION AND MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45(b)(4)(A), as amended by the preceding provisions of this section, is amended by striking ''(7), (9), or (11)'' and inserting ''or (7)''.

(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

(A) in subsection (c)(10)(A)—

(i) in clause (iii), by striking ''or'',

(ii) in clause (iv), by striking the period at the end and inserting '', or'' and

(iii) by adding at the end the following:

''(v) pressurized water used in a pipeline (or similar man-made water conveyance) which is operated—

''(I) for the distribution of water for agricultural, municipal, or industrial consumption, and

''(II) not primarily for the generation of electricity.'', and

(B) in subsection (d)(11)(A), by striking ''150'' and inserting ''25''.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to facilities placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by subsection (h) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(3) DOMESTIC CONTENT, PHASEOUT, ENERGY COMMUNITIES, AND HYDROPOWER.—The amendments made by subsections (g) and (j) shall apply to facilities placed in service after December 31, 2022.

SEC. 13102. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2025'':

(1) Subsection (a)(2)(A)(i)(II).

(2) Subsection (a)(3)(A)(ii).

(3) Subsection (c)(1)(D).

(4) Subsection (c)(2)(D).

(5) Subsection (c)(3)(A)(iv).

(6) Subsection (c)(4)(C).

(7) Subsection (c)(5)(D).

(b) FURTHER EXTENSION FOR CERTAIN ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2035''.

(c) PHASEOUT OF CREDIT.—Section 48(a) is amended by striking paragraphs (6) and (7) and inserting the following new paragraph:

''(6) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any qualified fuel cell property, qualified small wind property, or energy property described in clause (i) or clause (ii) of paragraph (3)(A) the construction of which begins after December 31, 2019, and which is placed in service before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to 26 percent.''.

(d) BASE ENERGY PERCENTAGE AMOUNT.—Section 48(a) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''30 percent'' and inserting ''6 percent'', and

(B) in clause (ii), by striking ''10 percent'' and inserting ''2 percent'', and

(2) in paragraph (5)(A)(ii), by striking ''30 percent'' and inserting ''6 percent''.

(e) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 48(a)(2)(A)(i)(II) is amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(f) ENERGY STORAGE TECHNOLOGIES; QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF OTHER PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vii), and by adding at the end the following new clauses:

''(ix) energy storage technology,

''(x) qualified biogas property, or

''(xi) microgrid controllers,''.

(2) APPLICATION OF 6 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclauses (IV) and (V) and adding at the end the following new subclauses:

''(VI) energy storage technology,

''(VII) qualified biogas property,

''(VIII) microgrid controllers, and

''(IX) energy property described in clauses (v) and (vii) of paragraph (3)(A), and''.

(3) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

''(6) ENERGY STORAGE TECHNOLOGY.—

''(A) IN GENERAL.—The term 'energy storage technology' means—

''(i) property (other than property primarily used in the transportation of goods or individuals and not for the production of electricity) which receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, which stores energy), and has a nameplate capacity of not less than 5 kilowatt hours, and

''(ii) thermal energy storage property.

''(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any property which either—

''(i) was placed in service before the date of enactment of this section and would be described in subparagraph (A)(i), except that such property has a capacity of less than 5 kilowatt hours and is modified in a manner that such property (after such modification) has a nameplate capacity of not less than 5 kilowatt hours, or

''(ii) is described in subparagraph (A)(i) and is modified in a manner that such property (after such modification) has an increase in nameplate capacity of not less than 5 kilowatt hours,

such property shall be treated as described in subparagraph (A)(i) except that the basis of any existing property prior to such modification shall not be taken into account for purposes of this section. In the case of any property to which this subparagraph applies, subparagraph (D) shall be applied by substituting 'modification' for 'construction'.

''(C) THERMAL ENERGY STORAGE PROPERTY.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term 'thermal energy storage property' means a system which—

''(I) is directly connected to a heating, ventilation, or air conditioning system,

''(II) removes heat from, or adds heat to, a storage medium for subsequent use, and

''(III) provides energy for the heating or cooling of the interior of a residential or commercial building.

''(ii) EXCLUSION.—The term 'thermal energy storage property' shall not include—

''(I) a swimming pool,

''(II) combined heat and power system property, or

''(III) a building or its structural components.

''(D) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which begins after December 31, 2024.

''(7) QUALIFIED BIOGAS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

''(i) converts biomass (as defined in section 45K(c)(3), as in effect on the date of enactment of this paragraph) into a gas which—

''(I) consists of not less than 52 percent methane by volume, or

''(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

''(ii) captures such gas for sale or productive use, and not for disposal via combustion.

''(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is part of such system which cleans or conditions such gas.

''(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which begins after December 31, 2024.

''(8) MICROGRID CONTROLLER.—

''(A) IN GENERAL.—The term 'microgrid controller' means equipment which is—

''(i) part of a qualified microgrid, and

''(ii) designed and used to monitor and control the energy resources and loads on such microgrid.

''(B) QUALIFIED MICROGRID.—The term 'qualified microgrid' means an electrical system which—

''(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,

''(ii) is capable of operating—

''(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

''(II) independently (and disconnected) from such grid, and

''(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 824o)).

''(C) TERMINATION.—The term 'microgrid controller' shall not include any property the construction of which begins after December 31, 2024.''.

(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

''(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.''.

(5) PHASEOUT OF CERTAIN ENERGY PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any energy property described in clause (vii) of paragraph (3)(A), the energy percentage determined under paragraph (2) shall be equal to—

''(A) in the case of any property the construction of which begins before January 1, 2033, and which is placed in service after December 31, 2021, 6 percent,

''(B) in the case of any property the construction of which begins after December 31, 2032, and before January 1, 2034, 5.2 percent, and

''(C) in the case of any property the construction of which begins after December 31, 2033, and before January 1, 2035, 4.4 percent.''.

(6) PUBLIC UTILITY PROPERTY.—Paragraph (2) of section 50(d) is amended—

(A) by adding after the first sentence the following new sentence: ''At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—'', and

(B) by adding the following new subparagraphs:

''(A) no election under this paragraph shall be permitted if the making of such election is prohibited by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision that regulates public utilities as described in section 7701(a)(33)(A),

''(B) an election under this paragraph shall be made separately with respect to each energy storage technology by the due date (including extensions) of the Federal tax return for the taxable year in which the energy storage technology is placed in service by the taxpayer, and once made, may be revoked only with the consent of the Secretary, and

''(C) an election shall not apply with respect to any energy storage technology if such energy storage technology has a maximum capacity equal to or less than 500 kilowatt hours.''.

(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatt in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not include any assembly which contains rotating parts.''.

(h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting '', or electrochromic glass which uses electricity to change its light transmittance properties in order to heat or cool a structure,'' after ''sunlight''.

(i) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

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

''(C) paragraph (1) shall not apply for purposes of determining eligible basis under section 42.''.

(j) INTERCONNECTION PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(8) INTERCONNECTION PROPERTY.—

''(A) IN GENERAL.—For purposes of determining the credit under subsection (a), energy property shall include amounts paid or incurred by the taxpayer for qualified interconnection property in connection with the installation of energy property (as defined in paragraph (3)) which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), to provide for the transmission or distribution of the electricity produced or stored by such property, and which are properly chargeable to the capital account of the taxpayer.

''(B) QUALIFIED INTERCONNECTION PROPERTY.—The term 'qualified interconnection property' means, with respect to an energy project which is not a microgrid controller, any tangible property—

''(i) which is part of an addition, modification, or upgrade to a transmission or distribution system which is required at or beyond the point at which the energy project interconnects to such transmission or distribution system in order to accommodate such interconnection,

''(ii) either—

''(I) which is constructed, reconstructed, or erected by the taxpayer, or

''(II) for which the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by such taxpayer, and

''(iii) the original use of which, pursuant to an interconnection agreement, commences with a utility.

''(C) INTERCONNECTION AGREEMENT.—The term 'interconnection agreement' means an agreement with a utility for the purposes of interconnecting the energy property owned by such taxpayer to the transmission or distribution system of such utility.

''(D) UTILITY.—For purposes of this paragraph, the term 'utility' means the owner or operator of an electrical transmission or distribution system which is subject to the regulatory authority of a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative.

''(E) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be reduced under rules similar to the rules of section 50(c).''.

(k) ENERGY PROJECTS, WAGE REQUIREMENTS, AND APPRENTICESHIP REQUIREMENTS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

''(A) IN GENERAL.—

''(i) RULE.—In the case of any energy project which satisfies the requirements of subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) and without regard to this clause) shall be equal to such amount multiplied by 5.

''(ii) ENERGY PROJECT DEFINED.—For purposes of this subsection, the term 'energy project' means a project consisting of one or more energy properties that are part of a single project.

''(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project with a maximum net output of less than 1 megawatt (as measured in alternating current) of electrical or thermal energy.

''(ii) A project the construction of which begins before the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (10)(A) and (11).

''(iii) A project which satisfies the requirements of paragraphs (10)(A) and (11).

''(10) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such energy project, and

''(ii) for the 5-year period beginning on the date such project is originally placed in service, the alteration or repair of such project, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. Subject to subparagraph (C), for purposes of any determination under paragraph (9)(A)(i) for the taxable year in which the energy project is placed in service, the taxpayer shall be deemed to satisfy the requirement under clause (ii) at the time such project is placed in service.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(C) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under this subsection by reason of this paragraph with respect to any project which does not satisfy the requirements under subparagraph (A) (after application of subparagraph (B)) for the period described in clause (ii) of subparagraph (A) (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

''(11) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(l) DOMESTIC CONTENT; PHASEOUT FOR ELECTIVE PAYMENT.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(12) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any energy project which satisfies the requirement under subparagraph (B), for purposes of applying paragraph (2) with respect to such property, the energy percentage shall be increased by the applicable credit rate increase.

''(B) REQUIREMENT.—Rules similar to the rules of section 45(b)(9)(B) shall apply.

''(C) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be—

''(i) in the case of an energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of an energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.

''(13) PHASEOUT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45(b)(10) shall apply.''.

(m) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Section 48(a)(4) is amended to read as follows:

''(4) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(n) TREATMENT OF CERTAIN CONTRACTS INVOLVING ENERGY STORAGE.—Section 7701(e) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''or'' at the end of subclause (II), by striking ''and'' at the end of subclause (III) and inserting ''or'', and by adding at the end the following new subclause:

''(IV) the operation of a storage facility, and'', and

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

''(F) STORAGE FACILITY.—For purposes of subparagraph (A), the term 'storage facility' means a facility which uses energy storage technology within the meaning of section 48(c)(6).'', and

(2) in paragraph (4), by striking ''or water treatment works facility'' and inserting ''water treatment works facility, or storage facility''.

(o) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(14) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—

''(A) IN GENERAL.—In the case of any energy project that is placed in service within an energy community (as defined in section 45(b)(11)(B), as applied by substituting 'energy project' for 'qualified facility' each place it appears), for purposes of applying paragraph (2) with respect to energy property which is part of such project, the energy percentage shall be increased by the applicable credit rate increase.

''(B) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be equal to—

''(i) in the case of any energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of any energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.''.

(p) REGULATIONS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(15) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(q) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to property placed in service after December 31, 2021.

(2) OTHER PROPERTY.—The amendments made by subsections (f), (g), (h), (i), (j), (l), (n), and (o) shall apply to property placed in service after December 31, 2022.

(3) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—The amendments made by subsection (m) shall apply to property the construction of which begins after the date of enactment of this Act.

SEC. 13103. INCREASE IN ENERGY CREDIT FOR SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR CERTAIN SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified solar and wind facility with respect to which the Secretary makes an allocation of environmental justice solar and wind capacity limitation under paragraph (4)—

''(A) the energy percentage otherwise determined under paragraph (2) or (5) of subsection (a) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified solar and wind facility' means any facility—

''(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) or (vi) of subsection (a)(3)(A),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means energy property which—

''(A) is part of a facility described in section 45(d)(1) for which an election was made under subsection (a)(5), or

''(B) is described in clause (i) or (vi) of subsection (a)(3)(A),

including energy storage technology (as described in subsection (a)(3)(A)(ix)) installed in connection with such energy property.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar and wind capacity limitation to qualified solar and wind facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice solar and wind capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual

capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2023 and 2024, and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2024 except as provided in section 48D(h)(4)(D)(ii).

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice solar and wind capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13104. EXTENSION AND MODIFICATION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(d) is amended to read as follows:

''(d) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility or direct air capture facility—

''(1) the construction of which begins before January 1, 2033, and either—

''(A) construction of carbon capture equipment begins before such date, or

''(B) the original planning and design for such facility includes installation of carbon capture equipment, and

''(2) which—

''(A) in the case of a direct air capture facility, captures not less than 1,000 metric tons of qualified carbon oxide during the taxable year,

''(B) in the case of an electricity generating facility—

''(i) captures not less than 18,750 metric tons of qualified carbon oxide during the taxable year, and

''(ii) with respect to any carbon capture equipment for the applicable electric generating unit at such facility, has a capture design capacity of not less than 75 percent of the baseline carbon oxide production of such unit, or

''(C) in the case of any other facility, captures not less than 12,500 metric tons of qualified carbon oxide during the taxable year.''.

(2) DEFINITIONS.—

(A) IN GENERAL.—Section 45Q(e) is amended—

(i) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively, and

(ii) by inserting after ''For purposes of this section—'' the following new paragraphs:

''(1) APPLICABLE ELECTRIC GENERATING UNIT.—The term 'applicable electric generating unit' means the principal electric generating unit for which the carbon capture equipment is originally planned and designed.

''(2) BASELINE CARBON OXIDE PRODUCTION.—

''(A) IN GENERAL.—The term 'baseline carbon oxide production' means either of the following:

''(i) In the case of an applicable electric generating unit which was originally placed in service more than 1 year prior to the date on which construction of the carbon capture equipment begins, the average annual carbon oxide production, by mass, from such unit during the shorter of either the following periods:

''(I) The period beginning on the date such unit was placed in service and ending on the date on which construction of such equipment began.

''(II) The 6-year period preceding the date on which construction of such equipment began.

''(ii) In the case of an applicable electric generating unit which—

''(I) as of the date on which construction of the carbon capture equipment begins, is not yet placed in service, or

''(II) was placed in service during the 1-year period prior to the date on which construction of the carbon capture equipment begins,

the designed annual carbon oxide production, by mass, as determined based on an assumed capacity factor of 60 percent.

''(B) CAPACITY FACTOR.—The term 'capacity factor' means the ratio (expressed as a percentage) of the actual electric output from the applicable electric generating unit to the potential electric output from such unit.''.

(B) CONFORMING AMENDMENT.—Section 142(o)(1)(B) is amended by striking ''section 45Q(e)(1)'' and inserting ''section 45Q(e)(3)''.

(b) MODIFIED APPLICABLE DOLLAR AMOUNT.—Section 45Q(b)(1)(A) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$17'', and

(B) in subclause (II), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$12'', and

(2) in clause (ii)—

(A) in subclause (I), by striking ''$50'' and inserting ''$17'', and

(B) in subclause (II), by striking ''$35'' and inserting ''$12''.

(c) DETERMINATION OF APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating subparagraph (B) as subparagraph (D), and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—In the case of any qualified facility described in subsection (d)(2)(A) which is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined with respect to such qualified facility under subparagraph (A), except that such subparagraph shall be applied—

''(i) by substituting '$36' for '$17' each place it appears, and

''(ii) by substituting '$26' for '$12' each place it appears.

''(C) APPLICABLE DOLLAR AMOUNT FOR ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility which is placed in service before January 1, 2023, if any additional carbon capture equipment is installed at such facility and such equipment is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined under this paragraph, except that subparagraph (B) shall be applied—

''(i) by substituting 'before January 1, 2023' for 'after December 31, 2022', and

''(ii) by substituting 'the additional carbon capture equipment installed at such qualified facility' for 'such qualified facility'.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 45Q(b)(1)(A) is amended by striking ''The applicable dollar amount'' and inserting ''Except as provided in subparagraph (B) or (C), the applicable dollar amount''.

(B) Section 45Q(b)(1)(D), as redesignated by paragraph (1)(A), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A), (B), or (C)''.

(d) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON CERTAIN FACILITIES.—

(1) IN GENERAL.—Section 45Q(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON CERTAIN FACILITIES.—In the case of a qualified facility described in paragraph (1)(C), the amount of qualified carbon oxide which is captured by the taxpayer for purposes of subsection (a) shall be determined pursuant to paragraph (2), as applied—

''(A) in the matter preceding subparagraph (A)—

''(i) by substituting 'January 1, 2023' for 'the date of the enactment of the Bipartisan Budget Act of 2018', and

''(ii) by substituting 'after December 31, 2022' for 'on or after the date of the enactment of such Act', and

''(B) in subparagraph (A)(ii), by substituting 'December 31, 2022' for 'the day before the date of the enactment of the Bipartisan Budget Act of 2018'.''.

(2) CONFORMING AMENDMENT.—Section 45Q(b)(2) is amended by striking ''In the case'' and inserting ''Subject to paragraph (3), in the case''.

(e) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:

''(h) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—

''(1) IN GENERAL.—In the case of any qualified facility or any carbon capture equipment which satisfy the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—The requirements described in this paragraph are that—

''(A) with respect to any qualified facility the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), as well as any carbon capture equipment placed in service at such facility—

''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such facility and equipment, and

''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such facility and equipment,

''(B) with respect to any carbon capture equipment the construction of which begins after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and which is installed at a qualified facility the construction of which began prior to such date—

''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such equipment, and

''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such equipment, or

''(C) the construction of carbon capture equipment begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is installed at a qualified facility the construction of which begins prior to such date.

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility and any carbon capture equipment placed in service at such facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility or equipment, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in paragraph (3)(A) or (4)(A) of subsection (a), the alteration or repair of such facility or such equipment,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility and equipment are located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(f) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(f) is amended—

(1) by striking the second paragraph (3), as added at the end of such section by section 80402(e) of the Infrastructure Investment and Jobs Act (Public Law 117-58), and

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

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(g) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(g) is amended by inserting ''the earlier of January 1, 2023, and'' before ''the end of the calendar year''.

(h) ELECTION.—Section 45Q(f), as amended by subsection (f), is amended by adding at the end the following new paragraph:

''(9) ELECTION.—For purposes of paragraphs (3) and (4) of subsection (a), a person described in paragraph (3)(A)(ii) may elect, at such time and in such manner as the Secretary may prescribe, to have the 12–year period begin on the first day of the first taxable year in which a credit under this section is claimed with respect to carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018 (after application of subsection (f)(6), where applicable) if—

''(A) no taxpayer claimed a credit under this section with respect to such carbon capture equipment for any prior taxable year,

''(B) the qualified facility at which such carbon capture equipment is placed in service is located in an area affected by a federally-declared disaster (as defined by section 165(i)(5)(A)) after the carbon capture equipment is originally placed in service, and

''(C) such federally-declared disaster results in a cessation of the operation of the qualified facility or the carbon capture equipment after such equipment is originally placed in service.''.

(i) REGULATIONS FOR BASELINE CARBON OXIDE PRODUCTION.—Subsection (i) of section 45Q, as redesignated by subsection (e), is amended—

(1) in paragraph (1), by striking ''and'',

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

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

''(3) for purposes of subsection (d)(2)(B)(ii), adjust the baseline carbon oxide production with respect to any applicable electric generating unit at any electricity generating facility if—

''(A) after the date on which the carbon capture equipment is placed in service, modifications are made to such unit which result in a significant increase or decrease in carbon oxide production, or

''(B) for any reason other than a modification described in subparagraph (A), there is a significant increase or decrease in carbon oxide production with respect to such unit.''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the amendments made by this section shall apply to facilities or equipment placed in service after December 31, 2022.

(2) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—The amendments made by subsection (a) shall apply to facilities or equipment the construction of which begins after the date of enactment of this Act.

(3) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—The amendments made by subsection (g) shall take effect on the date of enactment of this Act.

(4) ELECTION.—The amendments made by subsection (h) shall apply to carbon oxide captured and disposed of after December 31, 2021.

SEC. 13105. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45U. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

''(1) the product of—

''(A) 0.3 cents, multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified nuclear power facility, and

''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

''(2) the reduction amount for such taxable year.

''(b) DEFINITIONS.—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

''(C) which is placed in service before the date of the enactment of this section.

''(2) REDUCTION AMOUNT.—

''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

''(i) the amount determined under subsection (a)(1), or

''(ii) the amount equal to 80 percent of the excess of—

''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

''(II) the amount equal to the product of—

''(aa) 2.5 cents, multiplied by

''(bb) the amount determined under subsection (a)(1)(B).

''(B) TREATMENT OF CERTAIN RECEIPTS.—

''(i) IN GENERAL.—The amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program.

''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments with respect to a qualified nuclear power facility as a result of any Federal, State or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

''(c) OTHER RULES.—

''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2023' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

''(d) WAGE REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (32), by striking ''plus'' at the end,

(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and

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

''(34) the zero-emission nuclear power production credit determined under section 45U(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45U. Zero-emission nuclear power production credit.''.

(c) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2023, in taxable years beginning after such date.

PART 2—CLEAN FUELS

SEC. 13201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

(g) SPECIAL RULE.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—

''(1) IN GENERAL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel which—

''(A) meets the requirements of—

''(i) ASTM International Standard D7566, or

''(ii) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

''(C) is not derived from palm fatty acid distillates or petroleum, and

''(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(2) DEFINITIONS.—In this subsection—

''(A) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(i) monoglycerides, diglycerides, and triglycerides,

''(ii) free fatty acids, and

''(iii) fatty acid esters.

''(B) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

''(1) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(2) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer of such fuel—

''(1) is registered with the Secretary under section 4101, and

''(2) provides—

''(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(i) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

''(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

''(B) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2024.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(3) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e) is amended—

(i) in the heading, by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL'',

(ii) in paragraph (1), by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit'', and

(iii) in paragraph (6)—

(I) in subparagraph (C), by striking ''and'' at the end,

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

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

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2024.''.

(C) Section 4101(a)(1) is amended by inserting ''every person producing sustainable aviation fuel (as defined in section 40B),'' before ''and every person producing second generation biofuel''.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Sustainable aviation fuel credit.''.

(e) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 13204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

''(2) the applicable amount (as determined under subsection (b)) with respect to such hydrogen.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2022' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless—

''(i) such hydrogen is produced—

''(I) in the United States (as defined in section 638(1)) or a possession of the United States (as defined in section 638(2)),

''(II) in the ordinary course of a trade or business of the taxpayer, and

''(III) for sale or use, and

''(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

''(C) PROVISIONAL EMISSIONS RATE.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term 'qualified clean hydrogen production facility' means a facility—

''(A) owned by the taxpayer,

''(B) which produces qualified clean hydrogen, and

''(C) the construction of which begins before January 1, 2033.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

''(ii) which meets the requirements of paragraph (3)(A) with respect to alteration or repair of such facility which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance for determining lifecycle greenhouse gas emissions.''.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(3) MODIFICATION OF EXISTING FACILITIES.—Section 45V(d), as added and amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

''(4) MODIFICATION OF EXISTING FACILITIES.—For purposes of subsection (a)(2), in the case of any facility which—

''(A) was originally placed in service before January 1, 2023, and, prior to the modification described in subparagraph (B), did not produce qualified clean hydrogen, and

''(B) after the date such facility was originally placed in service—

''(i) is modified to produce qualified clean hydrogen, and

''(ii) amounts paid or incurred with respect to such modification are properly chargeable to capital account of the taxpayer,

such facility shall be deemed to have been originally placed in service as of the date that the property required to complete the modification described in subparagraph (B) is placed in service.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

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

''(36) the clean hydrogen production credit determined under section 45V(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45V. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (4) of this subsection shall apply to hydrogen produced after December 31, 2022.

(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by paragraph (2) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) shall apply to modifications made after December 31, 2022.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if—

''(A) such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45V(c)(3)) to produce qualified clean hydrogen (as defined in section 45V(c)(2)), and

''(B) such use and production is verified (in such form or manner as the Secretary may prescribe) by an unrelated third party.''.

(2) SIMILAR RULE FOR ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.—Subsection (c)(2) of section 45U, as added by section 13105 of this Act, is amended by striking ''and (5)'' and inserting ''(5), and (13)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced after December 31, 2022.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating paragraph (15) as paragraph (16), and

(B) by inserting after paragraph (14) the following new paragraph:

''(15) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45V(b)(2), 1.2 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.5 percent,

''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent, and

''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—

''(i) which is placed in service after December 31, 2022,

''(ii) with respect to which—

''(I) no credit has been allowed under section 45V or 45Q, and

''(II) the taxpayer makes an irrevocable election to have this paragraph apply, and

''(iii) for which an unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process which results in lifecycle greenhouse gas emissions which are consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii).

''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45V(c)(2).

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.

(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(i) of section 48(a), as added by section 13102, is amended by inserting ''and paragraph (15)'' after ''paragraphs (1) through (8)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2022.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2022.

PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 13301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) ENERGY PROPERTY.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.

''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

''(A) $250 in the case of any exterior door, and

''(B) $500 in the aggregate with respect to all exterior doors.

''(5) HEAT PUMP AND HEAT PUMP WATER HEATERS; BIOMASS STOVES AND BOILERS.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B).''.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements,

''(B) in the case of an exterior door, applicable Energy Star requirements, and

''(C) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by inserting '', including air sealing material or system,'' after ''material or system''.

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following:

''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

''(i) An electric or natural gas heat pump water heater.

''(ii) An electric or natural gas heat pump.

''(iii) A central air conditioner.

''(iv) A natural gas, propane, or oil water heater.

''(v) A natural gas, propane, or oil furnace or hot water boiler.

''(B) A biomass stove or boiler which—

''(i) uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(C) Any oil furnace or hot water boiler which—

''(i) is placed in service after December 31, 2022, and before January 1, 2027, and—

''(I) meets or exceeds 2021 Energy Star efficiency criteria, and

''(II) is rated by the manufacturer for use with fuel blends at least 20 percent of the volume of which consists of an eligible fuel, or

''(ii) is placed in service after December 31, 2026, and—

''(I) achieves an annual fuel utilization efficiency rate of not less than 90, and

''(II) is rated by the manufacturer for use with eligible fuel blends of 50 percent or more.

''(D) Any improvement to, or replacement of, a panelboard, sub-panelboard, branch circuits, or feeders which—

''(i) is installed in a manner consistent with the National Electric Code,

''(ii) has a load capacity of not less than 200 amps,

''(iii) is installed in conjunction with—

''(I) any qualified energy efficiency improvements, or

''(II) any qualified energy property described in subparagraphs (A) through (C) for which a credit is allowed under this section for expenditures with respect to such property, and

''(iv) enables the installation and use of any property described in subclause (I) or (II) of clause (iii).

''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means—

''(A) biodiesel and renewable diesel (within the meaning of section 40A), and

''(B) second generation biofuel (within the meaning of section 40).''.

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a), as amended by subsection (b), is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

''(6) HOME ENERGY AUDITS.—

''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

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

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

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

''(R) an omission of information or documentation required under section 25C(b)(6)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2024, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification

number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

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

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

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

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) ENERGY EFFICIENT HOME IMPROVEMENT CREDIT.—

(1) IN GENERAL.—The heading for section 25C is amended by striking ''**NONBUSINESS ENERGY PROPERTY**'' and inserting ''**ENERGY EFFICIENT HOME IMPROVEMENT CREDIT**''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Energy efficient home improvement credit.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made by subsection (g) shall apply to property placed in service after December 31, 2024.

SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2034''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (2), by striking ''before January 1, 2023, 26 percent, and'' and inserting ''before January 1, 2022, 26 percent,'', and

(B) by striking paragraph (3) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2033, 30 percent,

''(4) in the case of property placed in service after December 31, 2032, and before January 1, 2034, 26 percent, and

''(5) in the case of property placed in service after December 31, 2033, and before January 1, 2035, 22 percent.''.

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—

(1) ALLOWANCE OF CREDIT.—Paragraph (6) of section 25D(a) is amended to read as follows:

''(6) the qualified battery storage technology expenditures,''.

(2) DEFINITION OF QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Paragraph (6) of section 25D(d) is amended to read as follows:

''(6) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 25D is amended by striking ''**ENERGY EFFICIENT PROPERTY**'' and inserting ''**CLEAN ENERGY CREDIT**''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25D and inserting the following:

''Sec. 25D. Residential clean energy credit.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Subsection (b) of section 179D is amended to read as follows:

''(b) MAXIMUM AMOUNT OF DEDUCTION.—

''(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(A) the product of—

''(i) the applicable dollar value, and

''(ii) the square footage of the building, over

''(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(3) INCREASED CREDIT AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (2) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROPERTY REQUIREMENTS.—In the case of any energy efficient commercial building property, energy efficient building retrofit property, or property installed pursuant to a qualified retrofit plan, such property shall meet the requirements of this subparagraph if —

''(i) installation of such property begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or

''(ii) installation of such property satisfies the requirements of paragraphs (4)(A) and (5).

''(4) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(2) MODIFICATION OF EFFICIENCY STANDARD.—Section 179D(c)(1)(D) is amended by striking ''50 percent'' and inserting ''25 percent''.

(3) REFERENCE STANDARD.—Section 179D(c)(2) is amended by striking ''the most recent'' and inserting the following: ''the more recent of—

''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) the most recent''.

(4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—

(A) by inserting ''for which the Department of Energy has issued a final determination and'' before ''which has been affirmed'',

(B) by striking ''2 years'' and inserting ''4 years'', and

(C) by striking ''that construction of such property begins'' and inserting ''such property is placed in service''.

(5) ELIMINATION OF PARTIAL ALLOWANCE.—

(A) IN GENERAL.—Section 179D(d) is amended—

(i) by striking paragraph (1), and

(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Section 179D(c)(1)(D) is amended—

(I) by striking ''subsection (d)(6)'' and inserting ''subsection (d)(5)'', and

(II) by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (3)(B)(iii)'' and inserting ''paragraph (2)(B)(iii)''.

(iv) Section 179D is amended by striking subsection (f).

(v) Section 179D(h) is amended by striking ''or (d)(1)(A)''.

(6) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Paragraph (3) of section 179D(d), as redesignated by paragraph (5)(A), is amended to read as follows:

''(3) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

''(A) IN GENERAL.—In the case of energy efficient commercial building property installed on or in property owned by a specified tax-exempt entity, the Secretary shall promulgate regulations or guidance to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

''(i) the United States, any State or local government (or political subdivision thereof), any possession of the United States, or any agency or instrumentality of any of the foregoing,

''(ii) an Indian tribal government (as defined in section 30D(g)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

''(iii) any organization exempt from tax imposed by this chapter.''.

(7) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:

''(f) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—

''(1) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(A) the excess described in subsection (b) (determined by substituting 'energy use intensity' for 'total annual energy and power costs' in paragraph (2) thereof), or

''(B) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(2) QUALIFIED RETROFIT PLAN.—For purposes of this subsection, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—

''(A) as of any date during the 1-year period ending on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date,

''(B) certify the status of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C) of paragraph (3), and

''(C) as of any date that is more than 1 year after the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.

''(3) ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—For purposes of this subsection, the term 'energy efficient building retrofit property' means property—

''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(B) which is installed on or in any qualified building,

''(C) which is installed as part of—

''(i) the interior lighting systems,

''(ii) the heating, cooling, ventilation, and hot water systems, or

''(iii) the building envelope, and

''(D) which is certified in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).

''(4) QUALIFIED BUILDING.—For purposes of this subsection, the term 'qualified building' means any building which—

''(A) is located in the United States, and

''(B) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

''(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.

''(6) BASELINE ENERGY USE INTENSITY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline energy use intensity' means the energy use intensity certified under paragraph (2)(A), as adjusted to take into account weather.

''(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.

''(7) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ENERGY USE INTENSITY.—The term 'energy use intensity' means the annualized, measured site energy use intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.

''(B) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.

''(8) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

''(A) IN GENERAL.—In the case of any building with respect to which an election is made under paragraph (1), the term 'energy efficient commercial building property' shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.

''(B) CERTAIN RULES NOT APPLICABLE.—

''(i) IN GENERAL.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.

''(ii) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(3) shall apply for purposes of this subsection.''.

(8) INFLATION ADJUSTMENT.—Section 179D(g) is amended—

(A) by striking ''2020'' and inserting ''2022'',

(B) by striking ''or subsection (d)(1)(A)'', and

(C) by striking ''2019'' and inserting ''2021''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—

(1) by striking ''For purposes of computing the earnings and profits of a corporation'' and inserting the following:

''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service (or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made).''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section solely for purposes of applying such subsection, shall apply to property placed in service after December 31, 2022 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) INCREASE IN CREDIT AMOUNTS.—Section 45L(a)(2) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $1,000.''.

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

''(c) ENERGY SAVING REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable).

''(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).

''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets—

''(i)(I) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, or

''(II) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and

''(ii) the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

''(B) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit is acquired.

''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) PREVAILING WAGE REQUIREMENT.—

''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (b)(2)(B) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—

''(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1) (and which does not meet the requirements of subparagraph (B) of such subsection), and

''(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: ''This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.

PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.

''(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.''.

(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(G) the final assembly of which occurs within North America.'',

(2) by adding at the end the following:

''(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.''.

(c) DEFINITION OF NEW CLEAN VEHICLE.—

(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking ''QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR'' and inserting ''CLEAN'',

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''qualified plug-in electric drive motor'' and inserting ''clean'',

(ii) in subparagraph (C), by inserting ''qualified'' before ''manufacturer'',

(iii) in subparagraph (F)—

(I) in clause (i), by striking ''4'' and inserting ''7'', and

(II) in clause (ii), by striking ''and'' at the end,

(iv) in subparagraph (G), by striking the period at the end and inserting '', and'', and

(v) by adding at the end the following:

''(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

''(i) the name and taxpayer identification number of the taxpayer,

''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

''(iii) the battery capacity of the vehicle,

''(iv) verification that original use of the vehicle commences with the taxpayer, and

''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.'',

(C) in paragraph (3)—

(i) in the heading, by striking ''MANUFACTURER'' and inserting ''QUALIFIED MANUFACTURER'',

(ii) by striking ''The term 'manufacturer' has the meaning given such term in'' and inserting ''The term 'qualified manufacturer' means any manufacturer (within the meaning of the'', and

(iii) by inserting '') which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require'' before the period at the end, and

(D) by adding at the end the following:

''(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle'', and

(B) in subsection (b)(1), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle''.

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

''(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

''(1) CRITICAL MINERALS REQUIREMENT.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

''(i) extracted or processed in any country with which the United States has a free trade agreement in effect, or

''(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

''(2) BATTERY COMPONENTS.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the

value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

''(3) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

''(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.

''(9) VIN REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(i) the lesser of—

''(I) the modified adjusted gross income of the taxpayer for such taxable year, or

''(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(ii) the threshold amount.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

''(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

''(i) VANS.—In the case of a van, $80,000.

''(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

''(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

''(iv) OTHER.—In the case of any other vehicle, $55,000.

''(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary or appropriate for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this

subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

''(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking ''**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**'' and inserting ''**CLEAN VEHICLE CREDIT**''.

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle'', and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking ''qualified plug-in electric drive motor'' and inserting ''clean''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

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

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

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

''(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.''.

(5) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''30D(f)(6)''.

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

''Sec. 30D. Clean vehicle credit.''.

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) $4,000, or

''(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(A) the lesser of—

''(i) the modified adjusted gross income of the taxpayer for such taxable year, or

''(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(B) the threshold amount.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

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

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

''(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.''.

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking ''and'' at the end,

(2) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(3) by inserting after subparagraph (T) the following:

''(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned clean vehicles.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.

''(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

''(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

''(B) the incremental cost of such vehicle.

''(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

''(3) COMPARABLE VEHICLE.—For purposes of this subsection, the term 'comparable vehicle' means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

''(4) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

''(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

''(B) in the case of a vehicle not described in subparagraph (A), $40,000.

''(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this section, the term 'qualified commercial clean vehicle' means any vehicle which—

''(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

''(2) either—

''(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

''(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

''(3) either—

''(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

''(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(4) is of a character subject to the allowance for depreciation.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Subject to paragraph (2), rules similar to the rules under subsection (f) of section 30D shall apply for purposes of this section.

''(2) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any credit allowed under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

''(4) NO DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

''(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

''(g) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

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

''(37) the qualified commercial clean vehicle credit determined under section 45W.''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

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

''(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45W. Qualified commercial clean vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting ''(6 percent in the case of property of a character subject to depreciation)'' after ''30 percent''.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''with respect to all'' and inserting ''with respect to any single item of'', and

(ii) by striking ''at a location'', and

(B) in paragraph (1), by striking ''$30,000 in the case of a property'' and inserting ''$100,000 in the case of any such item of property''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

''(B) has at least 2, but not more than 3, wheels, and

''(C) is propelled by electricity.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

''(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

''(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

''(B) ELIGIBLE CENSUS TRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

''(I) is described in section 45D(e), or

''(II) is not an urban area.

''(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) LIMITATION.—

''(A) IN GENERAL.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within energy communities described in clause (iii) of section 45(b)(11)(B).

''(B) NO PRIOR CERTIFICATION AND ALLOCATION.—No credits may be allocated under the program established under paragraph (1) for any project which is located in a census tract which, prior to the date of enactment of this subsection, had received a certification and allocation of credits under subsection (d).

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

''(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

''(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting '', any portion of the qualified investment of which is certified by the Secretary under subsection (e) as eligible for a credit under this section'' after ''means a project'',

(2) in clause (i)—

(A) by striking ''a manufacturing facility for the production of'' and inserting ''an industrial or manufacturing facility for the production or recycling of'',

(B) in clause (I), by inserting ''water,'' after ''sun,'',

(C) in clause (II), by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components'',

(D) in clause (III), by striking ''grids to support the transmission of intermittent sources of renewable energy, including storage of such energy'' and inserting ''grid modernization equipment or components'',

(E) in subclause (IV), by striking ''and sequester carbon dioxide emissions'' and inserting '', remove, use, or sequester carbon oxide emissions'',

(F) by striking subclause (V) and inserting the following:

''(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

''(aa) renewable, or

''(bb) low-carbon and low-emission,'',

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

''(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

''(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

''(aa) technologies, components, or materials for such vehicles, and

''(bb) associated charging or refueling infrastructure,

''(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or'', and

(J) in subclause (IX), as so redesignated, by striking ''and'' at the end, and

(3) by striking clause (ii) and inserting the following:

''(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

''(I) low- or zero-carbon process heat systems,

''(II) carbon capture, transport, utilization and storage systems,

''(III) energy efficiency and reduction in waste from industrial processes, or

''(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

''(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).''.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

''(A) which is necessary for—

''(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

''(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

''(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,''.

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48D, 45Q, or 45V''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each eligible component which is—

''(A) produced by the taxpayer, and

''(B) during the taxable year, sold by such taxpayer to an unrelated person.

''(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

''(3) UNRELATED PERSON.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

''(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

''(i) 4 cents, multiplied by

''(ii) the capacity of such cell (expressed on a per direct current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a polymeric backsheet, 40 cents per square meter,

''(E) in the case of a solar module, an amount equal to the product of—

''(i) 7 cents, multiplied by

''(ii) the capacity of such module (expressed on a per direct current watt basis),

''(F) in the case of a wind energy component—

''(i) if such component is a related offshore wind vessel, an amount equal to 10 percent of the sales price of such vessel, and

''(ii) if such component is not described in clause (i), an amount equal to the product of—

''(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

''(II) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed,

''(G) in the case of a torque tube, 87 cents per kilogram,

''(H) in the case of a structural fastener, $2.28 per kilogram,

''(I) in the case of an inverter, an amount equal to the product of—

''(i) the applicable amount with respect to such inverter (as determined under paragraph (2)(B)), multiplied by

''(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

''(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

''(K) in the case of a battery cell, an amount equal to the product of—

''(i) $35, multiplied by

''(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

''(L) in the case of a battery module, an amount equal to the product of—

''(i) $10 (or, in the case of a battery module which does not use battery cells, $45), multiplied by

''(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

''(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

''(2) APPLICABLE AMOUNTS.—

''(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(F)(ii), the applicable amount with respect to any wind energy component shall be—

''(i) in the case of a blade, 2 cents,

''(ii) in the case of a nacelle, 5 cents,

''(iii) in the case of a tower, 3 cents, and

''(iv) in the case of an offshore wind foundation—

''(I) which uses a fixed platform, 2 cents, or

''(II) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

''(i) in the case of a central inverter, 0.25 cents,

''(ii) in the case of a utility inverter, 1.5 cents,

''(iii) in the case of a commercial inverter, 2 cents,

''(iv) in the case of a residential inverter, 6.5 cents, and

''(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component,

''(ii) any wind energy component,

''(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

''(iv) any qualifying battery component, and

''(v) any applicable critical mineral.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale applications,

''(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

''(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

''(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

''(II) has a rated output of not greater than 150 kilowatts.

''(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

''(i) is suitable to connect with one solar module,

''(ii) has a rated output of—

''(I) 120 or 240 volt single-phase power, or

''(II) 208 or 480 volt three-phase power, and

''(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

''(i) is suitable for a residence,

''(ii) has a rated output of 120 or 240 volt single-phase power, and

''(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale systems,

''(ii) has a rated output of not less than 600 volt three-phase power, and

''(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

''(3) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(v) Torque tubes or structural fasteners.

''(vi) Polymeric backsheets.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—

''(I) produced by a single manufacturer either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

''(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

''(vii) SOLAR TRACKER COMPONENTS.—

''(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—

''(aa) is part of a solar tracker,

''(bb) is of any cross-sectional shape,

''(cc) may be assembled from individually manufactured segments,

''(dd) spans longitudinally between foundation posts,

''(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

''(ff) is rotated by means of a drive system.

''(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

''(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

''(bb) to connect torque tubes to drive assemblies, or

''(cc) to connect segments of torque tubes to one another.

''(4) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(v) Related offshore wind vessels.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

''(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(5) QUALIFYING BATTERY COMPONENT.—

''(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

''(i) Electrode active materials.

''(ii) Battery cells.

''(iii) Battery modules.

''(B) ASSOCIATED DEFINITIONS.—

''(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

''(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

''(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

''(II) with an energy density of not less than 100 watt-hours per liter, and

''(III) capable of storing at least 20 watt-hours of energy.

''(iii) BATTERY MODULE.—The term 'battery module' means a module—

''(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

''(bb) with no battery cells, and

''(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

''(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

''(A) ALUMINUM.—Aluminum which is—

''(i) converted to metallurgical grade bauxite, or

''(ii) purified to a minimum purity of 99.99 percent aluminum by mass.

''(B) ANTIMONY.—Antimony which is—

''(i) converted to antimony trisulfide, or

''(ii) purified to a minimum purity of 99 percent antimony by mass.

''(C) BARITE.—Barite which is—

''(i) converted to barium sulfate, or

''(ii) purified to a minimum purity of 99 percent barite by mass.

''(D) BERYLLIUM.—Beryllium which is—

''(i) converted to copper-beryllium master alloy, or

''(ii) purified to a minimum purity of 99 percent beryllium by mass.

''(E) CERIUM.—Cerium which is—

''(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent cerium by mass.

''(F) CESIUM.—Cesium which is—

''(i) converted to cesium formate or cesium carbonate, or

''(ii) purified to a minimum purity of 99 percent cesium by mass.

''(G) CHROMIUM.—Chromium which is—

''(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

''(ii) purified to a minimum purity of 99 percent chromium by mass.

''(H) COBALT.—Cobalt which is—

''(i) converted to cobalt sulfate, or

''(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

''(I) DYSPROSIUM.—Dysprosium which is—

''(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

''(ii) purified to a minimum purity of 99 percent dysprosium by mass.

''(J) EUROPIUM.—Europium which is—

''(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent by mass.

''(K) FLUORSPAR.—Fluorspar which is—

''(i) converted to acid grade fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

''(ii) purified to a minimum purity of 99 percent fluorspar by mass.

''(L) GADOLINIUM.—Gadolinium which is—

''(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent gadolinium by mass.

''(M) GERMANIUM.—Germanium which is—

''(i) converted to germanium tetrachloride, or

''(ii) purified to a minimum purity of 99 percent germanium by mass.

''(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

''(O) INDIUM.—Indium which is—

''(i) converted to—

''(I) indium tin oxide, or

''(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent indium by mass.

''(P) LITHIUM.—Lithium which is—

''(i) converted to lithium carbonate or lithium hydroxide, or

''(ii) purified to a minimum purity of 99.9 percent lithium by mass.

''(Q) MANGANESE.—Manganese which is—

''(i) converted to manganese sulphate, or

''(ii) purified to a minimum purity of 99.7 percent manganese by mass.

''(R) NEODYMIUM.—Neodymium which is—

''(i) converted to neodymium-praseodymium oxide, or

''(ii) purified to a minimum purity of 99 percent neodymium by mass.

''(S) NICKEL.—Nickel which is—

''(i) converted to nickel sulphate, or

''(ii) purified to a minimum purity of 99 percent nickel by mass.

''(T) NIOBIUM.—Niobium which is—

''(i) converted to ferronibium, or

''(ii) purified to a minimum purity of 99 percent niobium by mass.

''(U) TELLURIUM.—Tellurium which is—

''(i) converted to cadmium telluride, or

''(ii) purified to a minimum purity of 99 percent tellurium by mass.

''(V) TIN.—Tin which is—

''(i) converted to indium tin oxide, or

''(ii) purified to low alpha emitting tin which—

''(I) has a purity of greater than 99.99 percent by mass, and

''(II) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

''(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

''(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

''(Y) YTTRIUM.—Yttrium which is—

''(i) converted to yttrium oxide which is purified to a minimum purity of 99.9 percent yttrium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent yttrium by mass.

''(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

''(i) Arsenic.
''(ii) Bismuth.
''(iii) Erbium.
''(iv) Gallium.
''(v) Hafnium.
''(vi) Holmium.
''(vii) Iridium.
''(viii) Lanthanum.
''(ix) Lutetium.
''(x) Magnesium.
''(xi) Palladium.
''(xii) Platinum.
''(xiii) Praseodymium.
''(xiv) Rhodium.
''(xv) Rubidium.
''(xvi) Ruthenium.
''(xvii) Samarium.
''(xviii) Scandium.
''(xix) Tantalum.
''(xx) Terbium.
''(xxi) Thulium.
''(xxii) Titanium.
''(xxiii) Ytterbium.
''(xxiv) Zinc.
''(xxv) Zirconium.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

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

''(38) the advanced manufacturing production credit determined under section 45X(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45X. Advanced manufacturing production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

PART 6—SUPERFUND

SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) or (ii) of subparagraph (B) and does not satisfy the requirements described in clause (iii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (9) and (10) of subsection (g), or

''(iii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) which was placed in service before January 1, 2025, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit which is placed in service after December 31, 2024.

''(ii) Any additions of capacity which are placed in service after December 31, 2024.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 45U, 48, 48A, or 48D is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in

the production of electricity, expressed as grams of CO_2e per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of CO_2e per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2024, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

''(B) 2032.

''(e) DEFINITIONS.—For purposes of this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(B) is measured at the source of capture and verified at the point of disposal or utilization, and

''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(f) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption, sales, or storage shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)—

''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph (without application of subparagraph (B)).

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.

''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall be increased by an amount equal to 10 percent of the amount so determined.

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(III) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(12) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (11)(B) with respect to the construction of such facility, or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began in calendar year 2025, 85 percent, and

''(ii) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph for the construction of qualified facilities if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

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

''(39) the clean electricity production credit determined under section 45Y(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Y. Clean electricity production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2024.

SEC. 13702. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48C the following new section:

''SEC. 48D. CLEAN ELECTRICITY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any energy storage technology.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) ENERGY STORAGE TECHNOLOGY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

''(I) with a capacity of less than 1 megawatt,

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes applying paragraph

(2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a zero-emission nuclear power production credit determined under section 45U,

''(v) a clean electricity production credit determined under section 45Y,

''(vi) an energy credit determined under section 48, or

''(vii) a qualifying advanced coal project credit under section 48A,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45Y.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE TECHNOLOGY.—

''(1) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to energy storage technology for any taxable year is the basis of any energy storage technology placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE TECHNOLOGY.—For purposes of this section, the term 'energy storage technology' has the meaning given such term in section 48(c)(6) (except that subparagraph (D) of such section shall not apply).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45(b)(10) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45Y(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45Y(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO_2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) APPLICABLE FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable facility' means any qualified facility—

''(i) which is not described in section 45Y(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a

covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means a qualified investment with respect to any applicable facility.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to applicable facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2025.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

''(i) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 46 is amended to read as follows:

''(6) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (iv),

(B) by striking the period at the end of clause (v) and inserting a comma, and

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

''(vi) the basis of any qualified property which is part of a qualified facility under section 48D, and

''(vii) the basis of any energy storage technology under section 48D.''.

(3) Section 50(a)(2)(E) is amended by striking ''or 48C(b)(2)'' and inserting ''48C(b)(2), or 48D(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48C the following new item:

''48D. Clean electricity investment credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48D) which is a qualified investment (as defined in subsection (b)(1) of such section), or any energy storage technology (as defined in subsection (c)(2) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

SEC. 13704. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of CO_2e per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of CO_2e per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(C) ROUNDING OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO_2e per mmBTU.

''(ii) EXCEPTION.—In the case of an emissions rate that is between 2.5 kilograms of CO_2e per mmBTU and -2.5 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting 'calendar year 2022' for 'calendar year 1992' in paragraph (3) thereof.

''(d) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45V.

''(ii) The credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48 with respect to any specified clean hydrogen production facility for which an election is made under subsection (a)(16) of such section.

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—

''(A) IN GENERAL.—The term 'transportation fuel' means a fuel which—

''(i) is suitable for use as a fuel in a highway vehicle or aircraft,

''(ii) has an emissions rate which is not greater than 50 kilograms of CO_2e per mmBTU, and

''(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

''(B) DEFINITIONS.—In this paragraph—

''(i) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(I) monoglycerides, diglycerides, and triglycerides,

''(II) free fatty acids, and

''(III) fatty acid esters.

''(ii) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(f) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer—

''(I) is registered as a producer of clean fuel under section 4101 at the time of production, and

''(II) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

''(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in subclause (I) of subsection (b)(1)(B)(iii), or

''(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

''(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45Y(g)(6) shall apply.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

''(i) clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section' for 'with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii)'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(g) TERMINATION.—This section shall not apply to transportation fuel sold after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25C(d)(3), as amended by the preceding provisions of this Act, is amended—

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

(B) in subparagraph (B), by striking the period at the end and inserting '', and'', and

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

''(C) transportation fuel (as defined in section 45Z(d)(5)).''.

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

''(iv) Any transportation fuel (as defined in section 45Z(d)(5)).''.

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

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

''(40) the clean fuel production credit determined under section 45Z(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Z. Clean fuel production credit.''.

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),'' after ''section 6426(k)(3)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

''(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

''(4) The zero-emission nuclear power production credit determined under section 45U(a).

''(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

''(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

''(7) The credit for advanced manufacturing production under section 45X(a).

''(8) The clean electricity production credit determined under section 45Y(a).

''(9) The clean fuel production credit determined under section 45Z(a).

''(10) The energy credit determined under section 48.

''(11) The qualifying advanced energy project credit determined under section 48C.

''(12) The clean electricity investment credit determined under section 48D.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE ENTITY.—

''(A) IN GENERAL.—The term 'applicable entity' means any organization exempt from the tax imposed by subtitle A, any State or local government (or political subdivision thereof), the Tennessee Valley Authority, an Indian tribal government (as defined in section 30D(g)(9)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

''(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

''(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).

''(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

''(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

''(ii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.

''(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.

''(E) OTHER RULES.—

''(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

''(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.

''(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.

''(3) ELECTIONS.—

''(A) IN GENERAL.—

''(i) DUE DATE.—Any election under subsection (a) shall be made not later than—

''(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or

''(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.

''(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.

''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

''(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and

''(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

''(I) apply separately with respect to each qualified clean hydrogen production facility,

''(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and

''(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such facility is placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(6) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a) which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

''(i) the amount treated as a payment which is made by the applicable entity under subsection (a) with respect to such facility or property for such taxable year, over

''(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

''(d) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.

''(e) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(f) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

''SEC. 6418. TRANSFER OF CERTAIN CREDITS.

''(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

''(1) shall be required to be paid in cash,

''(2) shall not be includible in gross income of the eligible taxpayer, and

''(3) with respect to the transferee taxpayer, shall not be deductible under this title.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

''(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

''(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

''(e) LIMITATIONS ON ELECTION.—

''(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

''(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CREDIT.—

''(A) IN GENERAL.—The term 'eligible credit' means each of the following:

''(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(ii) The renewable electricity production credit determined under section 45(a).

''(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

''(iv) The zero-emission nuclear power production credit determined under section 45U(a).

''(v) The clean hydrogen production credit determined under section 45V(a).

''(vi) The advanced manufacturing production credit determined under section 45X(a).

''(vii) The clean electricity production credit determined under section 45Y(a).

''(viii) The clean fuel production credit determined under section 45Z(a).

''(ix) The energy credit determined under section 48.

''(x) The qualifying advanced energy project credit determined under section 48C.

''(xi) The clean electricity investment credit determined under section 48D.

''(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

''(i) separately with respect to each facility for which such credit is determined, and

''(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

''(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term

'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(c)(1)(A).

''(g) SPECIAL RULES.—For purposes of this section—

''(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(2) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive payment, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

''(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

''(ii) the amount of such credit which, without application of this section, would be otherwise allowable (determined without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

''(3) BASIS REDUCTION.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A), subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer.

''(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).''.

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.''.

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

''(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in the case of any applicable credit (as defined in section 6417(b))—

''(A) this section shall be applied separately from the business credit (other than the applicable credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

''Sec. 6417. Elective payment of applicable credits.

''Sec. 6418. Transfer of certain credits.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13802. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

PART IX—OTHER PROVISIONS

SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

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

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—General Provisions

SEC. 20001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

Subtitle B—Conservation

SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,750,000,000 for fiscal year 2024;

(iii) $3,000,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants;

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; and

(iv) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,000,000,000 for fiscal year 2025; and

(iv) $1,500,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) the funds shall only be available for—

(I) 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; or

(II) State-specific or region-specific groupings or bundles of agricultural conservation activities for climate change mitigation appropriate for cropland, pastureland, rangeland, nonindustrial private forest land, and producers transitioning to organic or perennial production systems; and

(ii) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d)—

(A)(i) $100,000,000 for fiscal year 2023;

(ii) $200,000,000 for fiscal year 2024;

(iii) $500,000,000 for fiscal year 2025; and

(iv) $600,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,200,000,000 for fiscal year 2024;

(iii) $2,250,000,000 for fiscal year 2025; and

(iv) $3,050,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that the Secretary—

(i) shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon or reducing nitrogen losses or greenhouse gas emissions, or capturing or sequestering greenhouse gas emissions, associated with agricultural production;

(ii) shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(iii) may prioritize projects that—

(I) leverage corporate supply chain sustainability commitments; or

(II) utilize models that pay for outcomes from targeting methane and nitrous oxide emissions associated with agricultural production systems.

(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (1), by striking ''2023'' each place it appears and inserting ''2031'';

(iii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iv) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and

(2) $300,000,000 to carry out a carbon sequestration and greenhouse gas emissions quantification program through which the Natural Resources Conservation Service, including through technical service providers and other partners, shall collect field-based data to assess the carbon sequestration and greenhouse gas emissions reduction outcomes associated with activities carried out pursuant to this section and use the data to monitor and track greenhouse gas emissions and carbon sequestration trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development

SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended by adding at the end the following:

''(h) ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.—

''(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that support the types of eligible projects under that section, which shall be forgiven based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of that section established by the Secretary.

''(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant this subsection that could result in disbursements after September 30, 2031.

''(3) RESTRICTION.—A loan under paragraph (1) shall be forgiven in an amount that is not greater than 50 percent of the loan, unless the Secretary waives such restriction.''.

SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), and notwithstanding section 9007(c)(3)(A) of that Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical

assistance for applying to the program described in subsection (a), including for underutilized renewable energy technologies, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into, pursuant to this section—

(1) any loan agreement that may result in a disbursement after September 30, 2031; or

(2) any grant agreement that may result in any outlay after September 30, 2031.

SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22001) is amended by adding at the end the following:

''(i) BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to carry out this subsection.

''(2) USE OF FUNDS.—The Secretary shall use the amounts made available by paragraph (1) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sale and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not on location where such biofuels are blended, stored, supplied, or distributed—

''(A) by installing, retrofitting, or otherwise upgrading fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuels blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

''(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.

''(3) LIMITATION.—The Secretary may not limit the amount of funding an eligible entity may receive under this subsection provided that no eligible entity may receive more than 10 percent of the funds appropriated under paragraph (1) unless there are insufficient eligible applicants, as determined by the Secretary, to which to award those funds.''.

SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22003) is amended by adding at the end the following:

''(j) USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems and for purposes described in section 310B(a)(2)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(2)(C)) (provided that the term renewable energy system in that paragraph has the meaning given that term in section 9001), for zero-emission systems, or for carbon capture and storage systems, by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area or a wholly or jointly owned subsidiary of such electric cooperative) financial assistance, including loans and the cost of loans and modifications thereof, to purchase renewable energy, renewable energy systems, zero-emission systems, and carbon capture and storage systems, to deploy such systems, or to make energy efficiency improvements to electric generation and transmission systems of the eligible entity after the date of enactment of this subsection, that will achieve the greatest reduction in greenhouse gas emissions associated with rural electric systems using financial assistance provided under this subsection and that will otherwise aid disadvantaged rural communities, as determined by the Secretary.

''(2) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this subsection.

''(3) REQUIREMENT.—The amount of a grant under this subsection shall be not more than 25 percent of the total project costs of the eligible entity carrying out a project using a grant under this subsection.

''(4) PROHIBITION.—Nothing in this subsection shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this subsection if such funds are not expressly authorized or currently expended for such purposes.

''(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection—

''(A) any loan agreement that may result in a disbursement after September 30, 2031; or

''(B) any grant agreement that may result in any outlay after September 30, 2031.''.

SEC. 22005. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and expenses of the agencies and offices of the Department for costs related to implementing this subtitle.

Subtitle D—Forestry

SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,800,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $200,000,000 for vegetation management projects on National Forest System land carried out in accordance with a water source management plan or a watershed protection and restoration action plan;

(3) $100,000,000 to provide for more efficient and more effective environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12); and

(4) $50,000,000 to develop and carry out activities and tactics for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) PRIORITY FOR FUNDING.—For projects described in paragraphs (1) and (2) of subsection (a), the Secretary shall prioritize for implementation projects—

(1) for which an environmental assessment or an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12) has been completed;

(2) that are collaboratively developed; or

(3) that include opportunities to restore sustainable recreation infrastructure or access or accomplish other recreation outcomes on National Forest System lands, if the opportunities are compatible with the primary restoration purposes of the project.

(c) RESTRICTIONS.—None of the funds made available by this section may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or motorized trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(d) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(e) COST-SHARING WAIVER.—

(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement; and

(C) is subject to a non-Federal cost-share requirement.

(f) DEFINITIONS.—In this section:

(1) COLLABORATIVELY DEVELOPED.—The term ''collaboratively developed'' means, with respect to a project located exclusively on National Forest System land, that the

project is developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests, except such persons shall not be employed by the Federal Government or be representatives of foreign entities; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(2) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(3) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(4) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(5) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.

(7) WATER SOURCE MANAGEMENT PLAN.—The term ''water source management plan'' means a plan developed under section 303(d)(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1)).

(8) WATERSHED PROTECTION AND RESTORATION ACTION PLAN.—The term ''watershed protection and restoration action plan'' means a plan developed under section 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543(a)(3)).

(9) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(3) $100,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(4) $50,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply; and

(5) $100,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall be not more than $5,000,000;

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources; and

(C) a priority shall be placed on projects that create a financial model for addressing forest restoration needs on public or private forest land.

(b) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $700,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) to acquire land and interests in land, with priority given to grant applications that offer significant natural carbon sequestration benefits or provide benefits to underserved populations; and

(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities, with a priority for projects that benefit underserved populations and areas.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 23004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 23005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, including the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, indoor air quality or sustainability, implement the use of low-emission technologies, materials, or processes, including zero-emission electricity generation, energy storage, or building electrification, or address climate resilience, of an eligible property;

(2) $60,000,000, to remain available until September 30, 2030, for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs;

(3) $60,000,000, to remain available until September 30, 2029, for expenses of contracts

administered by the Secretary, including to carry out property climate risk, energy, or water assessments, due diligence, and underwriting functions for such grant and direct loan program; and

(4) $42,500,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants, along with associated data analysis and evaluation at the property and portfolio level, including the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(c) DEFINITIONS.—As used in this section—

(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and

(2) the term ''eligible property'' means a property assisted pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(C) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(E) section 236 of the National Housing Act (12 U.S.C. 1715z–1); or

(F) a Housing Assistance Payments contract for Project-Based Rental Assistance in fiscal year 2021.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds appropriated, which requirements shall take effect upon issuance.

TITLE IV—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 40002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities (including facilities in need of replacement) including piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 40003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.

SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

PART 1—GENERAL PROVISIONS

SEC. 50111. DEFINITIONS.

In this subtitle:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211).

(4) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

(5) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).

PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in an underserved community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3)(B), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that

achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—

(A) IN GENERAL.—A State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section is encouraged to provide rebates, to the maximum extent practicable, to low- or moderate-income households.

(B) INCREASE IN REBATE AMOUNT.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) COORDINATION.—In carrying out this section, the Secretary shall coordinate with State energy offices to ensure that HOMES rebate programs for which grants are provided under this section are developed to achieve maximum greenhouse gas emissions reductions and household energy and costs savings regardless of source energy.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(2) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

(3) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) a community located in a ZIP code that includes 1 or more census tracts that include—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; and

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a heat pump for space heating or cooling; and

(iii) not more than $840 for—

(I) an electric stove, cooktop, range, or oven; or

(II) an electric heat pump clothes dryer.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $1,600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(A)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income;

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is less than 80 percent of the area median income.

(5) AMOUNT FOR INSTALLATION OF UPGRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project and any enhanced labor practices, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or Indian Tribe under a high-efficiency electric home rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program (as defined in section 50121(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or nonprofit entity, as determined by the Secretary, carrying out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B).

(2) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—The term ''high-efficiency electric home rebate program'' means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term ''program'' means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term ''qualified electrification project'' means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out at, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ''qualified electrification project'' does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subclauses (I) through (VIII) of subparagraph (A)(i) is not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)) or a high-efficiency electric home rebate program (as defined in section 50122(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial

buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this section.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided in paragraph (3), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefitting from otherwise allowable Federal tax benefits;

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid exclusively in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(D) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(4)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(A)) is amended by inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)'' before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

''(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): *Provided*, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—The Secretary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not greater than $250,000,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

''SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees, including refinancing, under this section only for projects that—

''(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

''(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

''(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental damage associated with energy infrastructure.

''(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

''(d) APPLICATION.—To apply for a guarantee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed plan describing the proposed project;

''(2) an analysis of how the proposed project will engage with and affect associated communities; and

''(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

''(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

''(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term 'energy infrastructure' means a facility, and associated equipment, used for—

''(1) the generation or transmission of electric energy; or

''(2) the production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''.

(d) CONFORMING AMENDMENT.—Section 1702(o)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(o)(3)) is amended by inserting ''and projects described in section 1706(a)'' before the period at the end.

(e) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1705 (Public Law 109–58; 119 Stat. 604; 123 Stat. 145) the following:

''Sec. 1706. Energy infrastructure reinvestment financing.''.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), subject to the limitations that apply to loan guarantees under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking '') for an amount equal to not more than 90 percent of'' and inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to make direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINITION OF DIRECT LOAN.—In this section, the term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Hosting and facilitation of negotiations in settlement meetings involving the siting authority, the covered transmission project applicant, and opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(E) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (D) or (E) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, environmental organizations, electric utilities, and other stakeholders the Secretary determines appropriate, to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—INDUSTRIAL

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve $200,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, direct loan, or cooperative agreement.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2027—

(1) $133,240,000 to carry out activities for science laboratory infrastructure projects;

(2) $303,656,000 to carry out activities for high energy physics construction and major items of equipment projects;

(3) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(4) $217,000,000 to carry out activities for nuclear physics construction and major items of equipment projects;

(5) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(6) $294,500,000 to carry out activities for basic energy sciences projects; and

(7) $157,813,000 to carry out activities for isotope research and development facilities.

(b) OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Fossil Energy and Carbon Management.

(c) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(d) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

Subtitle B—Natural Resources

PART 1—GENERAL PROVISIONS

SEC. 50211. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNITED STATES INSULAR AREAS.—The term ''United States Insular Areas'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

PART 2—PUBLIC LANDS

SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees in units of the National Park System.

PART 3—DROUGHT RESPONSE AND PREPAREDNESS

SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50232. CANAL IMPROVEMENT PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

PART 4—INSULAR AFFAIRS

SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART 5—OFFSHORE WIND

SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in an area withdrawn by—

(1) the Presidential memorandum entitled ''Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 8, 2020; or

(2) the Presidential memorandum entitled ''Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 25, 2020.

(b) OFFSHORE WIND FOR THE TERRITORIES.—

(1) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

(A) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(i) in subsection (a)—

(I) by striking ''means all'' and inserting the following: ''means—

''(1) all''; and

(II) in paragraph (1) (as so designated), by striking ''control;'' and inserting the following: ''control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and''; and

(III) by adding at the end following:

''(2) does not include any area conveyed by Congress to a territorial government for administration;'';

(ii) in subsection (p), by striking ''and'' after the semicolon at the end;

(iii) in subsection (q), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(r) The term 'State' means—

''(1) each of the several States;

''(2) the Commonwealth of Puerto Rico;

''(3) Guam;

''(4) American Samoa;

''(5) the United States Virgin Islands; and

''(6) the Commonwealth of the Northern Mariana Islands.''.

(B) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) APPLICATION.—This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.

(2) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.

''(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—

''(1) CALL FOR INFORMATION AND NOMINATIONS.—

''(A) IN GENERAL.—The Secretary shall issue calls for information and nominations for proposed wind lease sales for areas of the outer Continental Shelf described in paragraph (2) that are determined to be feasible.

''(B) INITIAL CALL.—Not later than September 30, 2025, the Secretary shall issue an initial call for information and nominations under this paragraph.

''(2) CONDITIONAL WIND LEASE SALES.—The Secretary may conduct wind lease sales in each area within the exclusive economic zone of the United States adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands that meets each of the following criteria:

''(A) The Secretary has concluded that a wind lease sale in the area is feasible.

''(B) The Secretary has determined that there is sufficient interest in leasing the area.

''(C) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.''.

PART 6—FOSSIL FUEL RESOURCES

SEC. 50261. OFFSHORE OIL AND GAS ROYALTY RATE.

Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in each of subparagraphs (A) and (C), by striking ''not less than 12½ per centum'' each place it appears and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022, and not less than 16⅔ percent thereafter,'';

(2) in subparagraph (F), by striking ''no less than 12½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022, and not less than 16⅔ percent thereafter,''; and

(3) in subparagraph (H), by striking ''no less than 12 and ½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022, and not less than 16⅔ percent thereafter,''.

SEC. 50262. MINERAL LEASING ACT MODERNIZATION.

(a) ONSHORE OIL AND GAS ROYALTY RATES.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ''12.5'' and inserting ''16⅔''; and

(ii) by inserting ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022, 16⅔ percent in amount or value of the production removed or sold from the lease'' before the period at the end; and

(B) by striking ''12½ per centum'' each place it appears and inserting ''16⅔ percent''.

(2) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''16⅔'' each place it appears and inserting ''20''.

(b) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(c) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Inflation Reduction Act of 2022, $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

(e) ELIMINATION OF NONCOMPETITIVE LEASING.—

(1) IN GENERAL.—Section 17 of the Mineral Leasing Act (20 U.S.C. 226) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraphs (2) and (3) of this subsection'' and inserting ''paragraph (2)''; and

(II) by striking the last sentence; and

(ii) by striking paragraph (3);

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

''(c) ADDITIONAL ROUNDS OF COMPETITIVE BIDDING.—Land made available for leasing under subsection (b)(1) for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may be made available by the Secretary of the Interior for a new round of competitive bidding under that subsection.''; and

(C) by striking subsection (e) and inserting the following:

''(e) TERM OF LEASE.—

''(1) IN GENERAL.—Any lease issued under this section, including a lease for tar sand areas, shall be for a primary term of 10 years.

''(2) CONTINUATION OF LEASE.—A lease described in paragraph (1) shall continue after the primary term of the lease for any period during which oil or gas is produced in paying quantities.

''(3) ADDITIONAL EXTENSIONS.—Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of the primary term of the lease shall be extended for 2 years and for any period thereafter during which oil or gas is produced in paying quantities.''.

(2) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), in the first sentence, by striking ''or section 17(c) of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) by striking ''either''; and

(II) by striking ''or the inclusion'' and all that follows through '', all''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by adding ''and'' after the semicolon;

(II) by striking subparagraph (B); and

(III) by striking ''(3)(A) payment'' and inserting the following:

''(3) payment'';

(C) in subsection (g)—

(i) in paragraph (1), by striking ''as a competitive'' and all that follows through ''of this Act'' and inserting ''in the same manner as the original lease issued pursuant to section 17'';

(ii) by striking paragraph (2);

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

(iv) in paragraph (2) (as so redesignated), by striking ''applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except,'' and inserting ''except'';

(D) in subsection (h), by striking ''subsections (d) and (f) of this section'' and inserting ''subsection (d)'';

(E) in subsection (i), by striking ''(i)(1) In acting'' and all that follows through ''of this section'' in paragraph (2) and inserting the following:

''(i) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d)'';

(F) by striking subsection (f); and

(G) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(f) OIL AND GAS BONDING REQUIREMENTS.—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended by inserting after the third sentence the following: ''At a minimum each bond, surety, or other financial arrangement established for a lease shall be considered inadequate if the bond, surety, or other financial arrangement is for less than $150,000, in the case of an individual oil or gas lease in a State, or for less than $500,000, in the case of an arrangement for all of the oil and gas leases of an operating entity in a State, or for less than $2,000,000, in the case of an arrangement for all of the oil and gas leases of an operating entity nationwide. The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount at which a bond, surety, or other financial arrangement is considered inadequate to reflect the change in inflation.''.

SEC. 50263. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—For all leases issued after the date of enactment of this Act, except as provided in subsection (b), royalties paid for gas produced from Federal land and on the outer Continental Shelf shall be assessed on all gas produced, including all gas that is consumed or lost by venting, flaring, or negligent releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a danger to human health, safety, or the environment;

(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or

(3) gas that is unavoidably lost.

SEC. 50264. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) 2022 LEASE SALES.—The term ''2022 Lease Sales'' means each of the following lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)):

(A) Lease Sale 258.

(B) Lease Sale 259.

(2) LEASE SALE 257.—The term ''Lease Sale 257'' means the lease sale numbered 257 that was approved in the Record of Decision described in the notice of availability of a record of decision issued on August 31, 2021, entitled ''Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257'' (86 Fed. Reg. 50160 (September 7, 2021)), and is the subject of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(3) LEASE SALE 261.—The term ''Lease Sale 261'' means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(b) LEASE SALE 257 REINSTATEMENT.—

(1) ACCEPTANCE OF BIDS.—Not later 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each tract or bidding unit of Lease Sale 257 for which a valid bid was received on November 17, 2021; and

(B) provide the appropriate lease form to the winning bidder to execute and return.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the regulations in effect on the date of Lease Sale 257; and

(B) the terms and conditions of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(c) REQUIREMENT FOR 2022 LEASE SALES.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct the 2022 Lease Sales in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50265. ENSURING ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

PART 7—UNITED STATES GEOLOGICAL SURVEY

SEC. 50271. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available through September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

PART 8—OTHER NATURAL RESOURCES MATTERS

SEC. 50281. DEPARTMENT OF THE INTERIOR OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of the Interior Office of Inspector General of the Department of the Interior activities for which funding is appropriated in this subtitle.

Subtitle C—Environmental Reviews

SEC. 50301. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

SEC. 50302. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

SEC. 50303. DEPARTMENT OF THE INTERIOR.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

''(B) to arrange financing for such a sale, lease, license, or contract for service.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)).''.

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:

''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity (including a nonprofit organization) that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress toward stated goals) to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

''(4) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. GREENHOUSE GAS REDUCTION FUND.

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(4) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(4) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

''(A) is located at a multi-unit housing structure;

''(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

''(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

''(5) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and

section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 612 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, 7571, and 7671k).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60108. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money

in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60113. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60107 of this Act, the following:

''SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (c), preparing inventories, gathering empirical data, and tracking emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(i) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator's liability for payment of the charge under subsection (c) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

''(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60114. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 60113 of this Act, the following:

''SEC. 137. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60115. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new

equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60116. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

(1) environmental product declarations;

(2) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

(3) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:

''SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

Subtitle C—United States Fish and Wildlife Service

SEC. 60301. ENDANGERED SPECIES ACT RECOVERY PLANS.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until expended, for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

SEC. 60302. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS CLIMATE-INDUCED WEATHER EVENTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $121,250,000, to remain available until September 30, 2026, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas, including by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand climate-induced weather events; and

(3) reducing the amount of damage caused by climate-induced weather events.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,750,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

Subtitle D—Council on Environmental Quality

SEC. 60401. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $32,500,000, to remain available until September 30, 2026—

(1) to support data collection efforts relating to—

(A) disproportionate negative environmental harms and climate impacts; and

(B) cumulative impacts of pollution and temperature rise;

(2) to establish, expand, and maintain efforts to track disproportionate burdens and cumulative impacts, including academic and workforce support for analytics and informatics infrastructure and data collection systems; and

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members.

SEC. 60402. COUNCIL ON ENVIRONMENTAL QUALITY EFFICIENT AND EFFECTIVE ENVIRONMENTAL REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality's functions and for the purposes of training personnel, developing programmatic environmental documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

Subtitle E—Transportation and Infrastructure

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 178. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,893,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through construction of projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community, including construction of—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related air pollution, including greenhouse gas emissions;

''(C) infrastructure or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2), including through natural infrastructure and pervious, permeable, or porous pavement;

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,109,950,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, including an underserved community or a community located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $42,150,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this section).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install low-embodied carbon materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) LOW-EMBODIED CARBON MATERIALS AND PRODUCTS.—The term ''low-embodied carbon materials and products'' means materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar products or materials.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects, including through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects, including any administrative expenses of the Federal Highway Administration to conduct such activities; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities and facilitate the environmental review process for proposed projects, including—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental

review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out other activities, including permitting activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(B) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraph (A).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program, including funds made available to the eligible entity under this title or administered by the U.S. Department of Transportation.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Environmental review implementation funds.''.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 180. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use of low-embodied carbon construction materials and products in projects, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement or incentives under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E));

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) EMBODIED CARBON.—The term 'embodied carbon' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

''(4) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term 'low-embodied carbon construction materials and products' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar products or materials.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''180. Low-carbon transportation materials grants.''.

TITLE VII—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, $3,000,000,000, to remain available through September 30, 2031, for—

(1) the purchase of zero-emission delivery vehicles; and

(2) the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

SEC. 70003. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, to support oversight of United States Postal Service activities implemented pursuant to this Act.

SEC. 70004. GOVERNMENT ACCOUNTABILITY OFFICE OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Comptroller General of the United States for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for necessary expenses of the Government Accountability Office to support the oversight of—

(1) the distribution and use of funds appropriated under this Act; and

(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.

SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. FEMA BUILDING MATERIALS PROGRAM.

Through September 30, 2026, the Administrator of the Federal Emergency Management Agency may provide financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects, which may include an increase in the Federal cost share for those projects.

SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Environmental Review Improvement Fund established by section 41009(d)(1) of the FAST Act (42 U.S.C. 4370m–8(d)(1)), out of any money in the Treasury not otherwise appropriated, $70,000,000 for each of fiscal years 2022 through 2026.

(b) AVAILABILITY.—Notwithstanding section 41009(d)(2) of the FAST Act (42 U.S.C. 4370m–8(d)(2)), funds appropriated under subsection (a) for a fiscal year shall remain available for the following 5 fiscal years.

TITLE VIII—COMMITTEE ON INDIAN AFFAIRS

SEC. 80001. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.

(b) BUREAU OF INDIAN AFFAIRS FISH HATCHERIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

(c) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(d) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(e) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(f) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80002. NATIVE HAWAIIAN CLIMATE RESILIENCE.

(a) NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 80003. TRIBAL ELECTRIFICATION PROGRAM.

(a) TRIBAL ELECTRIFICATION PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $145,500,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;

(2) transitioning electrified Tribal homes to zero-emissions energy systems; and

(3) associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under paragraphs (1) and (2).

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) EMERGENCY DROUGHT RELIEF FOR TRIBES.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SA 5195. Mr. SCHUMER (for Mr. CORNYN (for himself and Ms. HASSAN)) proposed an amendment to the bill S. 734, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students; as follows:

In section 2, insert ''(a) IN GENERAL.—'' before ''Section 105(a)''.

At the end of section 2, insert the following:

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that describes the projects for which funds are expended under section 105(a)(8) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)(8)) and evaluates the effectiveness of those projects; and

(2) submit the report to the appropriate committees of Congress.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the appropriate committees of Congress.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. MURRAY. Mr. President, I have nine requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 5:30 p.m., to conduct a business meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, August 3,

2022, at 10 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 5:15 p.m., to conduct a business meeting.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON EMERGING THREATS AND SPENDING OVERSIGHT

The Subcommittee on Emerging Threats and Spending Oversight of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, August 3, 2022, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Heidi Zisselman, a fellow in my office, be granted floor privileges through August 4, 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

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, following the remarks of Senator SANDERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

INFLATION REDUCTION ACT OF 2022

Mr. SANDERS. Mr. President, my understanding is that the so-called Inflation Reduction Act may be coming to the floor in the coming days, and there are some people who think it is still worth supporting. There are others who think that it is not. But whatever your views on this bill may be, let us be clear. As currently written, this is an extremely modest piece of legislation that does virtually nothing to address the enormous crises that working families all across this country are facing today.

This reconciliation bill falls far short of what the American people want, what they need, and what they are begging us to do. Given that this is the last reconciliation bill that we will be considering this year, it is the only opportunity that we have to do something significant for the American people that requires only 50 votes and that cannot be filibustered. In other words, this is the opportunity, because on anything significant, we are not going to get 60 votes. So this, in my view, is a moment that should not be squandered.

Let us do what we too rarely do here in the Congress or in the corporate media, and that is to take a hard look at the reality of what is going on in our country today. Very often, we sit here, and we argue about this, we argue about that, but we don't take a look at what is going on in America today, especially among working people and low-income people who do not have paid lobbyists here trying to get us to pass legislation to benefit them.

People back home are just too busy working 50, 60 hours a week, trying to make it on Social Security, trying to deal with their student debt. They don't have the lobbyists here that the drug companies and the insurance companies and the fossil fuel industry has.

What is going on in America today?

For a start, in the richest country in the history of the world, half of our people live paycheck to paycheck, and because of inflation, a bad situation has been made worse. Millions of people today are wondering how they are going to pay their rent, how they are going to buy the food to feed their kids, how they are going to pay off their debt. That is what is going on for half of the people in our country. I know we don't talk about it. They have no representation here, no lobbyists, no nothing. But that is the reality.

Does this reconciliation bill address their needs? Does it raise the minimum wage to a living wage or do we continue to allow so many workers to try to get by on 10, 12, 13 bucks an hour?

Does this bill make it easier for workers who want to join a union to be able to do so or they continue to be attacked by their employers, making it hard to form a union? No, this bill does nothing to address that reality.

At a time when, tragically, this country has the highest rate of childhood poverty of almost any major country on Earth, does this bill extend the $300-a-month-per-child tax credit that was so important to millions of families last year? Does it address that issue? Does it say that, maybe, there is something wrong when millions of children in this country are dealing with hunger and with other basic human needs? No, not a word in this bill addresses that.

In my State of Vermont and around this country, families are paying on average about $15,000 a year for childcare, if they are lucky enough to find a slot. And $15,000 a year is one-third of the salary of a family making $45,000. I don't know how people can afford childcare. And, meanwhile, childcare workers earn horrifically low wages and have poor benefits.

At a time when we have the highest rate of childhood poverty of any major country on Earth, does this bill address the dysfunctionality of our childcare system? No, not a word. And, again, this is a reconciliation bill, where we only need 50 votes to make these changes.

At a time when over 70 million Americans are uninsured or underinsured, when we spend twice as much per capita on healthcare as the people of almost any other major country while insurance companies make tens and tens of billions of dollars a year in profit, when 60 million people a year die because they can't afford to get to a doctor when they are sick because they are uninsured or underinsured, does this bill do anything to help us create a rational, cost-effective healthcare system that guarantees healthcare for all as a human right, something that every other major country on Earth does? No, the bill does nothing to address the extraordinary healthcare crisis that we face.

At a time when 45 million Americans are struggling to pay student debt and when hundreds of thousands of bright young people every year are unable to fulfill their dreams, unable to get a higher education because they cannot afford the high cost of higher education in this country, does this bill do anything to make it easier for young people to get a higher education? No, it does not. It doesn't do a thing. It doesn't do a thing on student debt.

Fifty-five percent of senior citizens in our country are trying to survive on incomes of $25,000 a year or less. It is just something hard for me to understand. It really is. Think about being 80, 90 years of age, trying to make it on $25,000 a year. Maybe your spouse has died. I don't know how you do it, but more than half of our people in our country who are seniors are trying to do that.

Many of these seniors cannot afford to go to a dentist, and in Vermont—and, I suspect, in Arizona, as well—there are senior citizens walking around without teeth in their mouth or with teeth that are rotting. There are seniors all over this country who cannot communicate with their kids or grandchildren because they can't afford a hearing aid. They can't watch TV because they can't afford a decent pair of glasses.

Is there anything in the currently written bill to expand Medicare to do what some 75 or 80 percent of the American people think we should do, and that is expand Medicare to cover dental care for seniors, hearing aids, and eyeglasses? No, the bill doesn't touch that at all.

When we talk about our seniors and disabled Americans, does this legislation do anything to help the millions who would prefer to stay in their homes rather than be forced into nursing homes? It is an issue I hear quite

frequently in Vermont: We cannot find help for someone to come to my house to help my mother or my disabled father. Does this bill address the crisis of home healthcare, a very serious crisis? No, not a word.

I think there is no disagreement that we have a major housing crisis in America. Some 600,000 Americans are homeless, and nearly 18 million households are spending an incredible 50 percent of their limited incomes for housing. Everybody acknowledges that we have a major housing crisis and that rents are soaring. Does this bill that supposedly represents the needs of the American people even deal with housing? In one word, no, it doesn't.

I understand that in our politics today, super PACs and billionaires play an enormous role in what we do here and what we don't do. Just yesterday, we saw the power of billionaire super PACs selecting corporate candidates who represent their interests and defeating candidates who represent working families. That is the way the political system is, and it has been made worse since Citizens United.

But right now, in our country—and I know we don't talk about it very much; I hear almost no discussion on the floor—we have more income wealth inequality than at any time in 100 years. How do the American people feel knowing that three people own more wealth than the bottom half of American society? Does that sound like the America we believe in, the America we think we should be?

We talk about Russia and Putin and the oligarchy over there. It is true. An oligarchy robs the country blind.

We have an oligarchy here as well. Three people own more wealth than the bottom half of American society. The top 1 percent owns more wealth than the bottom 92 percent, and 45 percent of all new income goes to the top 1 percent. And what we have seen during the pandemic is billionaires becoming much richer while working people by the thousands die because they have to go to work to make a living.

Today, CEOs of large corporations make 350 times more than their average workers. That is what is going on in America. I know we don't want to talk about it because we don't want to offend the people who fund our campaigns. It makes them uncomfortable to talk about how much inequality we have in this country, but that is the reality.

Not only do we have income and wealth inequality, but we have another issue we don't talk about much—or maybe a little bit. We have more concentration of ownership than at any time in the modern history of this country. In sector after sector after sector, we have a handful of giant multinational corporations, often engaging in price-fixing, that control what is produced and how much we pay for it.

I think many Americans now notice that, at a time when we are paying increased costs at the gas pump, increased costs at grocery stores for food, surprise, surprise, surprise, these large corporations are making record-breaking profits. Paying five bucks for a gallon of gas? Well, the good news is that ExxonMobil and these other corporations are making huge profits.

Unbelievably, three Wall Street firms now control assets of over $20 trillion. That is the GDP of the United States of America being controlled by three Wall Street firms. Is that of concern to anybody? Think it might be something we might want to talk about in a reconciliation bill? Nah, can't do that. These are very powerful guys, and we are not supposed to offend the wealthy and the powerful.

These three Wall Street firms are the major stockholders in 96 percent of S&P 500 companies. Check out the companies of the products that you buy. Find out who owns them. Find out who owns the companies that you are familiar with. Time and time and time again, you will find that the major stockholders are these three Wall Street firms: BlackRock, State Street, and Vanguard.

Does this bill do anything to even begin addressing the enormous concentration of ownership in our country and make our economy more competitive? Not a word.

So my point is that we are living in a moment of unprecedented crises. This bill does virtually nothing to address any of them, and this is the opportunity because, theoretically, it could be done with 50 votes here in the Senate. If all of the Democrats voted for it—if any Republicans voted for it, it would be great—plus the Vice President, we could do it. We could do it, but as currently written, it is not being done.

Now, let me say a few words about what is in this legislation, a bill which has some good features. There are some good things in it, but it also has some very bad features.

The good news is that the reconciliation bill finally begins to address the outrageous price of some of the most expensive prescription drugs under Medicare. As you know, we pay, by far, the highest prices in the world for our prescription drugs, and for those under Medicare, this begins to address that issue.

Under this legislation, Medicare, for the first time, would be able to negotiate with the pharmaceutical industry to lower drug prices. That is the good news.

The bad news is that we will not see the impact of these negotiated prices until 2026—4 years from now. Why? Got me. I don't know, but it will not go into effect until 4 years from now.

By the way, the pharmaceutical industry is the most powerful entity here in DC, and if you think, during those 4 years, that whatever modest provisions are in this bill they will not attack and get out, you would be mistaken. They will certainly work hard to do that, and they have 4 years to do that—4 years to come up with an entire pricing structure—because if you are not covering all of the drugs, they can come up with me-too drugs that look alike, that sound alike, and that can evade these price controls.

Moreover, with the possible exception of insulin—and that is not clear yet—this bill does nothing to lower prescription drug prices for anyone who is not on Medicare.

Under this bill, at a time when pharmaceutical companies are making outrageous profits, the drug companies will still be allowed to charge the American people, by far, the highest prices in the world for prescription drugs.

Now, if we had the courage to seriously address this issue, we would know exactly what to do. It is very, very simple. For over 30 years, the Veterans Health Administration has been negotiating with the pharmaceutical industry to lower the price of prescription drugs. Moreover, for decades, virtually every major country on Earth has done exactly the same thing. That is why, in Canada, drug prices and, in Mexico, drug prices and, in Europe, drug prices are much lower than in the United States.

The result of Medicare not negotiating prices has been that, today, Medicare pays twice as much for the same exact prescription drugs as the VA, and Americans, in some cases, pay 10 times more for a particular drug than the people in Canada or in other countries.

How insane is it that you have one Federal Agency, called the VA, that pays 50 percent of what Medicare pays? I mean, how crazy is that?

So, when it comes to reducing the price of prescription drugs under Medicare, we don't have to reinvent the wheel. We could simply require Medicare to pay no more for prescription drugs than the VA pays—end of discussion. It is a rather simple solution. If we did that, we could save Medicare some $900 billion over the next decade. That is nine times more savings than the rather weak negotiation provision in this bill—nine times more. They get $100 billion. We would save $900 billion.

By the way, that money could be used to add comprehensive dental, vision, and hearing benefits to every senior in America; it could be used to lower the Medicare eligibility age to at least 60; and it could be used to extend the solvency of Medicare.

That is why I will be introducing an amendment to do just that and to make sure that Medicare pays no more for prescription drugs than the VA. It is not a very radical idea, and I would hope that that amendment gets widespread support.

In terms of the Affordable Care Act, this legislation will extend subsidies for some 13 million Americans who have private health insurance plans, as a result of the ACA, over the next 3 years. Without this provision, millions of Americans would see their premiums

skyrocket, and some 3 million Americans could lose their health insurance altogether.

This is a good provision, and I support it, but let us not kid ourselves. The $64 billion cost of this provision will go directly into the pockets of private health insurance companies that made over $60 billion in profit last year and paid their CEOs exorbitant compensation packages.

It would also do nothing to help the more than 70 million Americans who are uninsured or underinsured, and it would do nothing to reform a dysfunctional healthcare system that is not designed to make people well but is designed to make the stockholders of private health insurance companies even richer.

Let me talk about the issue of climate change for a moment as it is dealt with in this bill.

This legislation provides $370 billion over the next decade to combat climate change and to invest in so-called energy security programs.

The good news is that, if this legislation, as written, is signed into law, it would provide far more funding for energy efficiency and sustainable energy than has ever been invested before. Given the existential crisis that we face—given the fact that we are fighting to make sure that this planet remains habitable and healthy for younger generations—this, clearly, is not enough of an investment, but it is a step forward.

It provides serious funding for wind, solar, batteries, heat pumps, electric vehicles, energy-efficient appliances, and low-income communities that have borne the brunt of climate change. That is the good news.

However, the bad news is that this legislation includes a huge giveaway to the fossil fuel industry—the people who are causing the climate crisis.

Now, it might seem a bit incongruous to people as to why we are rewarding the people whose emissions are driving the temperature of the Earth up and causing massive destruction, but that is, in fact, what this bill does.

Under this legislation, the fossil fuel industry will receive billions of dollars in new tax breaks and subsidies over the next 10 years on top of the $15 billion in tax breaks and corporate welfare that they already receive every year. This is above and beyond what they currently get.

In my view, if we are going to make our planet healthy and habitable for future generations, which I would hope that every sane human being believes we should, we cannot provide billions of dollars in new tax breaks to fossil fuel companies that are destroying the planet. On the contrary, we should end all of the massive corporate welfare that the fossil fuel industry already enjoys.

Under this legislation, up to 60 million acres of public waters—60 million acres of public waters—must be offered up for sale each and every year to the oil and gas industry before the Federal Government could approve any new offshore wind development. To put this in perspective, 60 million acres is the size of Michigan.

Let me read to you the headline that appeared in a July 29 article in Bloomberg called: ''Exxon . . . Loves What Manchin Did for Big Oil in $370 Billion Deal.''

According to Bloomberg, the CEO of ExxonMobil called the reconciliation bill a ''step in the right direction'' and was ''pleased'' with the ''comprehensive set of solutions'' included in the reconciliation bill.

Barron's recently reported that ExxonMobil, Chevron, and Occidental Petroleum are just a few of the fossil fuel companies that would benefit the most under this bill.

Now, if the CEO of ExxonMobil—a company that, perhaps, has done more than any other entity on Earth to cause climate change—is ''pleased'' with this bill, I think all of us should have some very deep concerns about what is in this legislation.

Further, under this bill, up to 2 million acres of public lands must be offered up for sale each and every year to the oil and gas industry before leases can move forward for any renewable energy development on public lands.

In total, this bill will offer the fossil fuel industry up to 700 million acres of public lands and waters to oil and gas drilling over the next decade—far more than the oil and gas industry could possibly use.

That is not all. The fossil fuel industry will not just benefit from the provisions in this reconciliation bill. A deal has also been reached to make it easier for the industry to receive permits for their oil and gas projects.

This deal would approve a $6.6 billion Mountain Valley Pipeline—a fracked gas pipeline that would span 303 miles from West Virginia to Virginia and potentially on to North Carolina. This is a pipeline that would generate emissions equivalent to that released by 37 coal plants or by over 27 million cars each and every year. Well, to my mind, that is a heck of a way to address the climate crisis.

Let me quote from a July 29 letter from over 350 environmental organizations, including the Sunrise Movement, Food & Water Watch, 350.org, and the Climate Justice Alliance, addressed to the President and the Senate majority leader, expressing concerns about this bill.

This is what they say:

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate and extinction crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are ripping across the country as we speak. We are out of time. Therefore, we're calling on you—

the President and majority leader—

to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter by these 360 environmental groups written on July 29.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 29, 2022.

Re Hold the line against fossil fuel expansion.

DEAR PRESIDENT BIDEN AND MAJORITY LEADER SCHUMER: As frontline communities and organizations with millions of members and supporters, we thank you for your tireless efforts to secure a climate deal with meaningful renewable energy investments. At the same time, we respectfully urge you to reject any handouts to the fossil fuel industry. Put simply: you cannot address the climate emergency by sacrificing communities, expanding fossil fuel production and embracing fossil fuel industry scams like carbon capture, fossil fuel hydrogen, and carbon offsets.

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate and extinction crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are ripping across the country as we speak. We are out of time. Therefore, we're calling on you to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Permitting new fossil fuel projects will further entrench us in a fossil fuel economy for decades to come—and constitutes a violent betrayal of your pledge to combat environmental racism and destruction. Today's high gasoline and energy prices cannot be solved with promises of future oil and gas production. Climate chaos harms every person in America, but our communities bear the brunt of the deadly impacts of the toxic fossil fuel industry: primarily Indigenous, Black, Latinx, AAPI and other communities of color, as well as low-wealth communities. Young people, women, and so many others that turned out to elect you and gave you your mandate to govern need climate hope, not climate setbacks. New fossil fuel projects will also lock workers into a dying industry and delay the growth in sectors that will support jobs of the future.

Critically, none of these negotiations affect the need for President Biden to immediately declare a climate emergency and use his existing authority to reject fossil fuel projects. Declaring a climate emergency will unlock President Biden's full set of powers to not only release Defense funding to build renewable and just energy systems, but also confront fossil fuels head-on by stopping crude oil exports. With non-emergency powers, President Biden can reject new oil and gas leases, and deny all fossil fuel infrastructure that harms countless communities across the country. Unleashing executive powers should be pursued in concert with—and not instead of—passing critical climate legislation, and vice versa.

We respectfully implore you to hold the line against any new fossil fuel projects, reject handouts to oil and gas companies, and use every tool available to advance a truly just, renewable energy future that does not sacrifice our communities.

Sincerely,

A Community Voice; Act for the Earth of Unity Church Unitarian; Action for the Climate Emergency (ACE); Active San Gabriel Valley; AFGE Local 704; Alabama Interfaith Power & Light; All Our Energy; Allamakee County Protectors—Education Campaign; Alliance for a Green Economy; Alliance for Affordable Energy; Amazon Watch; American Friends Service Committee; American Jewish World Service; Animals Are Sentient Beings Inc; Anthropocene Alliance; Association of Young Americans (AYA); Azul; Ban Single Use Plastics; Beacon UU Congregation in Summit; Bergen County Immigration Strategy Group.

Berks Gas Truth; Between the Waters; Beyond Extreme Energy; Beyond Plastics; Big Reuse; Black Millennials 4 Flint; Black Warrior Riverkeeper; Bold Alliance; Breast Cancer Action; Bronx Greens/Green Party of NY; Bronx Jews for Climate Action; California Communities Against Toxics; Californians for Western Wilderness; Carrizo Comecrudo Tribal Nation of Texas; CASE; Center for Biological Diversity; Center for International Environmental Law; Central Jersey Coalition Against Endless War; CERBAT; Change Begins With ME (Indivisible).

Chapel Hill Organization for Clean Energy; Cheyenne River Grassroots Collective; Chicago Area Peace Action (CAPA); Christians For The Mountains; Church Women United in New York State; Citizens Action Coalition of IN; Citizens Awareness Network; Citizens' Resistance at Fermi Two (CRAFT); Clean Air Coalition of Albany County; Clean Energy Action; Climate and Community Project; Climate Hawks Vote; Climate Justice Alliance; ClimateMama; Coal River Mountain Watch; Coalition Against Death Alley; Coalition Against Pilgrim Pipeline—NJ; Coalition for Outreach, Policy & Education; Code Red Hudson Highlands; CODEPINK; CODEPINK Golden Gate Chapter.

Colorado Dem. Party—Energy and Environment Initiative; Common Ground Relief; Common Ground Rising; Community for Sustainable Energy; Community Health; Community Of Living Traditions, Inc.; Concerned Citizens of Charles City County; Concerned Health Professionals of New York; Concerned Health Professionals of Pennsylvania; Crockett Rodeo United to Defend the Environment; CURE (Clean Up the River Environment); Dayenu: A Jewish Call to Climate Action; DC Environmental Network; Democracy Out Loud; Democratic Socialists of America—Knoxville TN; Des Moines County Farmers and Neighbors for Optimal Health; Direct Action Everywhere; Don't Gas the Meadowlands Coalition; Earth Care Alliance, Sonoma Valley.

Earth Ethics, Inc.; Earthworks; East Bay Community Solar Project; East End Action Network.; Eco-Eating; Ecoaction Committee of the Green Party of the United States; EcoPoetry.org; Eight Rivers Council; Elders Climate Action; Elders Climate Action—Arizona Chapter; Elders Climate Action FL Chapter; Elmirans & Friends Against Fracking; Emerson Unitarian Universalist Church; Empower Our Future; Endangered Species Coalition; Environmental Concerns Committee, Kendal at Oberlin; EnvironmentaLEE; EOF; Extinction Rebellion Austin; Extinction Rebellion Delaware; Extinction Rebellion San Francisco Bay Area; Extinction Rebellion Seattle; FACTS-Families Advocating for Chemical and Toxics Safety; Fairbanks Climate Action Coalition; Farmworker Association of Florida; Feminists in Action Los Angeles; Fieldstones; First Unitarian Universalist Church of Austin Social Action Committee; First Wednesdays San Leandro; Florida Springs Council; Florida Student Power Network; Food & Water Watch; Fossil Free Tompkins; Fox Valley Citizens for Peace & Justice; FracTracker Alliance; Fridays for Future U.S.; Friends of the Earth; George Mason University Center for Climate Change Communication; Georgia Conservation Voters; Global Development and Environment Institute.

Global Zero; Good Neighbor Steering Committee of Benicia; Grassroots Global Justice Alliance; Greater Highland Area Concerned Citizens; Greater New Orleans Climate Reality Project; Greater New Orleans Housing Alliance; Greater New Orleans Interfaith Climate Coalition; Green Education and Legal Fund; Green Party of Nassau County; Green Party of Onondaga County; Green Sanctuary Committee of the Unitarian Universalist Church of Palo Alto; Green State Solutions; GreenFaith; GreenLatinos; Greenpeace USA; Greenvest; Hair on Fire Oregon; Healthy Gulf; Healthy Ocean Coalition; Heartwood.

Hells Kitchen Democrats; Honor the Earth; Humboldt Unitarian Universalist Fellowship's Climate Action Campaign; Ikiya Collective; Inclusive Louisiana; Indigenous Environmental Network; Indigenous Lifeways; Indivisible Howard County MD; Indivisible San Jose; Institute for Agriculture and Trade Policy; Institute for Policy Studies Climate Policy Program; Institute of the Blessed Virgin Mary; Institute of the Blessed Virgin Mary—Loreto Generalate; Integrated Community Solutions, Inc; Interfaith EarthKeepers; International Student Environmental Coalition; Intheshadowofthewolf; Iowa Citizens for Community Improvement; Ironbound Community Corporation; John Muir Project of Earth Island Institute.

Just Transition Alliance; Kickapoo Peace Circle; KyotoUSA; La Mesa Boricua de Florida; Larimer Alliance for Health, Safety and Environment; Lisa Hecht & Associates, LLC; Livelihoods Knowledge Exchange Network (LiKEN); Locust Point Community Garden; Long Island Activists; Long Island Network for Change; Los Padres ForestWatch; Louisiana League of Conscious Voters; Louisiana Progress; Marlborough Democratic Committee; Maryland Ornithological Society; Mazaska Talks; Media Alliance; Memphis Community Against Pollution (MCAP); Mental Health & Inclusion Ministries; Michigan Environmental Justice Coalition; Mid-Missouri Peaceworks; Mid-Ohio Valley Climate Action; Milwaukee Riverkeeper; Mississippi Rising Coalition; MN Unitarian Universalist Social Justice Alliance; MN350.

Montana Environmental Information Center; Mothers Out Front; Mountain Valley Watch; Movement Rights; Nassau County Democratic Socialists of America; Nassau Hiking & Outdoor Club; Native Movement; Nature Coast Conservation, Inc; NC WARN; NCEA; NDN Collective; NELA Climate Collective; New Energy Economy; New Paltz Climate Action Coalition; New World Believers; New York Communities for Change; Nicaragua Center for Community Action; North American Climate, Conservation and Environment; North Country Earth Action; North Country Light Brigade; Northeast Oregon Ecosystems; Novasutras; Nuclear Energy Information Service (NEIS); Nuclear Information and Resource Service; Nurture The Children; NYCD16 Indivisible.

NYPAN Greene/NYPAN Enviro; Occidental Arts and Ecology Center; Occupy Biden; Ohio Poor People's Campaign; Oil Change International; Organized Uplifting Strategies & Resources; Our Climate; Our Revolution; Our Revolution New Jersey; Pantsuit Nation Long Island; Paradise Las Vegas Indivisible; Pasifika Uprising; Pass the federal green new deal; Pax Christi USA, New Orleans/Vets For Peace; Peace Action Wisconsin; Peace, Justice, Sustainability NOW; Pelican Media; Pennsylvania Council of Churches; People for a Healthy Environment; People Over Pipelines; Physicians for Social Responsibility; Physicians for Social Responsibility Pennsylvania; Plastic Pollution Coalition; Pollution Free Society; Port Arthur Community Action Network; Preserve Bent Mountain; Preserve Giles County; Preserve Monroe (WV).

Preserve Montgomery County VA; Progressive Democrats of Benicia (CA); Property Rights and Pipeline Center; Protect All Children's Environment; Protect Our Commonwealth; Protect Our Water Heritage Rights (POWHR); Protecting Our Waters; Pueblo Action Alliance; Putnam Progressives; Residents Allied for the Future of Tioga (RAFT); Resist the Pipeline; RESTORE: The North Woods; ReThink Energy Florida, Inc.; Revolving Door Project; Rise St. James; Rivers & Mountains GreenFaith Circle; Rockaway Women for Progress; San Francisco Bay Physicians for Social Responsibility; Santa Barbara Urban Creeks Council; Santa Clara Sunrise.

Santa Fe Green Chamber of Commerce; SAVE THE FROGS!; Save the Pine bush; SaveRGV; Scientist Rebellion; Scientist Rebellion, Turtle Island; Seneca Lake Guardian; Sheffield Saves; Shelby County Lead Prevention & Sustainability Commission; Sisters of St. Dominic of Blauvelt, New York; Sisters of St. Joseph of Rochester Justice & Peace Office; Social Justice Ministry of Live Oak Unitarian Universalist Congregation; Society of Fearless Grandmothers; Society of Native Nations; Solar Wind Works; South Asian Fund For Education Scholarship and Training Inc; South Shore Audubon Society; SouthEnd Charlton-Pollard GHCA; Southwest Organizing Project; Sowing Justice.

Stop the Algonquin Pipeline Expansion; Suffolk Progressives; Sullivan Alliance for Sustainable Development; Summers County Residents Against the Pipeline; Sunrise Movement; Sunrise Movement Houston; Sunrise New Orleans; Sunrise NYC; Sunrise San Diego; Susanne Moser Research & Consulting; Sustainable Arizona; Sustainable Mill Valley; Syracuse Cultural Workers; Syracuse Peace Council; Tapestry UU Church of Houston; Taproot Earth; Terra Advocati; Texas Campaign for the Environment; Texas Climate Emergency; Texas Grassroots Network.

Texas Permian For Future Generations; The CLEO Institute; The Climate Mobilization; The Consoria; The Last Plastic Straw; The People's Justice Council; The Shalom Center; The Shame Free Zone; Third Act Virginia; Thomas Berry Forum for Ecological Dialogue at Iona University; Thrive at Life: Working Solutions; TIAA-DIVEST!; Together We Will Long Island; tUrn Climate Crisis Awareness and Action; Turtle Island Restoration Network; Ulster Activists; Unitarian Universalist Action of New Hampshire; Unitarian Universalist Association; Unitarian Universalist Church of Berkeley; Unitarian Universalist Church of the Brazos Valley.

Unitarian Universalist Service Committee; Unitarian Universalists for a Just Economic Community; Unitarian Universalists for Social Justice; Unite North Metro Denver; United Native Americans; United Women in Faith; Uranium Watch; Urban Ocean Lab; UU Fellowship of Corvallis Climate Action Team; UUFHCT; ValuesAdvisor; Veterans for Climate Justice; vfp#35; Virginia Pipeline Resisters; Vote Climate; Wall of Women; Warehouse Workers for Justice; Water is Life

Walks & Nurture The Children; Waterspirit; Waterway Advocates.

West Dryden Residents Against the Pipeline; WildEarth Guardians; WILPF; Wisconsin Health Professionals for Climate Action; Women's Earth and Climate Action Network; Women's International League for Peace and Freedom-Triangle Branch; WV Mountain PaRTY; Youth Vs Apocalypse; Zero Hour; IL Green New Deal; 1000 Grandmothers for Future Generations; 198 methods; 350 Bay Area; 350 Bay Area Action; 350 Colorado; 350 Conejo/San Fernando Valley; 350 Eugene; 350 Mass; 350 New Hampshire; 350 New Orleans; 350 Santa Barbara; 350 Seattle; 350 Silicon Valley; 350 Tacoma; 350 Triangle; 350 Wisconsin; 350.org; 350NYC; 7 Directions of Service.

Mr. SANDERS. Mr. President, here is what the Center for Biological Diversity had to say on this bill:

This is a climate suicide pact. It's self-defeating to handcuff renewable energy development to massive new oil and gas extraction. The new leasing required in this bill will fan the flames of the climate disasters torching our country, and it's a slap in the face to the communities fighting to protect themselves from filthy fossil fuels.

In my view, we have got to do everything possible to take on the greed of the fossil fuel industry, not give billions of dollars in corporate welfare to an industry that has been actively destroying our planet. And I will be introducing an amendment to do just that.

Finally, this bill has a tax provision in it. Under this bill, corporations will be required to pay a minimum tax of 15 percent. That is good news because we have many, many large, profitable corporations in this country, including companies like AT&T, Federal Express, and Nike, which, in a given year, make billions in profit and don't pay a nickel in Federal income tax. This provision has been estimated to raise $313 billion over the next decade.

Further, under this bill, the IRS will finally begin to receive the funding that it needs to audit wealthy tax cheats. Each and every year, the top 1 percent are able to avoid paying more than $160 billion in taxes that they legally owe because the IRS does not have the resources or staffing they need to conduct audits of the extremely wealthy. This bill will begin to change that.

This bill would also make very modest changes to the so-called carried interest loophole that has allowed billionaire hedge fund managers on Wall Street to pay a lower tax rate than a nurse, a teacher, or a firefighter, and that is a good thing.

But the bad news is that this bill does nothing to repeal the Trump tax breaks that went to the very wealthy and large corporations. Trump's 2017 tax bill provided over a trillion dollars in tax breaks to the top 1 percent and large corporations, and this bill does nothing to repeal that.

Let's not forget, it is very likely that Congress will be doing a so-called tax extenders bill at the end of this year that could provide corporations up to $400 billion over the next decade in new tax breaks. If that occurs, that would more than offset the $313 billion in corporate revenue included in this bill.

So that is where we are today. This legislation virtually ignores every major crisis facing working families who are struggling so very hard to stay alive today. It ignores childcare, pre-K, the expansion of Medicare, affordable housing, home healthcare, higher education, raising the minimum wage, and more. It ignores all of those issues.

This is legislation, which at a time of massive profits in the pharmaceutical industry, takes a very modest step, which goes into effect 4 years from now, to lower or control the price of medicine.

So this bill has, as I have indicated, some good and important provisions. At the same time, it has some pretty bad provisions, including massive giveaways to the fossil fuel industry.

This is a bill of more than 700 pages, which was made public after a number of months of secret negotiations. In my view, now is the time for every Member of the Senate to study this bill thoroughly and to come up with amendments and ideas as to how we can improve it, and I intend to play an active role in that process.

I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER (Mr. OSSOFF). The Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 7:49 p.m., adjourned until Thursday, August 4, 2022, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

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, VICE GREGORY KARAWAN, TERM EXPIRED.

ALAN J. PATRICOF, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2025. (REAPPOINTMENT)

NATIONAL TRANSPORTATION SAFETY BOARD

ALVIN BROWN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2026, VICE ROBERT L. SUMWALT III, TERM EXPIRED.

DEPARTMENT OF ENERGY

DAVID CRANE, OF NEW JERSEY, TO BE UNDER SECRETARY OF ENERGY, VICE MARK WESLEY MENEZES, RESIGNED.

SOUTHWEST BORDER REGIONAL COMMISSION

JUAN EDUARDO SANCHEZ, OF TEXAS, TO BE FEDERAL COCHAIRPERSON OF THE SOUTHWEST BORDER REGIONAL COMMISSION. (NEW POSITION)

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2023, VICE LYNDON L. OLSON, JR., TERM EXPIRED.

DEPARTMENT OF STATE

KATHLEEN A. FITZGIBBON, OF NEW YORK, 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 REPUBLIC OF NIGER.

ERIC W. KNEEDLER, OF PENNSYLVANIA, 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 REPUBLIC OF RWANDA.

ELIZABETH ROOD, OF PENNSYLVANIA, 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 TURKMENISTAN.

BIJAN SABET, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

RICHARD L.A. WEINER, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE J. STEVEN DOWD.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

COLLEEN JOY SHOGAN, OF PENNSYLVANIA, TO BE ARCHIVIST OF THE UNITED STATES, VICE DAVID S. FERRIERO.

OFFICE OF PERSONNEL MANAGEMENT

ROBERT HARLEY SHRIVER III, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE MICHAEL RIGAS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN KWAKU APPIAH
JONATHAN M. AYERS
MICHEAL SHAY BAILEY
JESSE M. BROWN
RICHARD BRENNER CAMPBELL
JEREMY JAMES COENEN
JONATHAN A. DAWSON
MATTHEW O. GALLO
ALEX D. JOHNSON
KENNETH DARNELL JOHNSON
FELIX MIGUEL JONES
BARRY N. KEMP
RAFAEL D. LANTIGUA
JOHN GABRIEL LAWSON
ALEX JUN LU
JAMIE P. MYERS
RYAN CHRISTOPHER NEILL
AMY MUN OCONNELL
TAMARA C. ROWE
THOMAS JONATHAN SIMMONS
WESLEY A. SNEED
ARKADIUSZ ADAM SZYDA
PHILIP JOEL VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PAUL OBI AMALIRI
JON A. BRAVINDER
ALECK A. BROWN
LANE FRANKLIN CAMPBELL
MICHAEL A. CAROLLO
MATTHEW A. CLOUSE
RONALD L. FEESER, JR.
SCOTT A. FOUST
KELVIN W. FRANCIS
JAMES W. GALYON
GLEN E. HARRIS, JR.
MICHAEL L. HAYHURST
DOUGLAS O. HESS
MARK DAVID HUNSINGER
NICHOLAS E. LOPRESTO
JEFFREY K. MCMILLEN
MATTHEW JAMES STREETT
ANTHONY L. WIGGINS
MEOSHIA A. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES B. ANDERSON
RONNELLE ARMSTRONG
RAYMOND J. BOYER
CHRISTOPHER A. CONKLIN
DANIEL W. FORMAN
WALID A. HABASH
DALLAS L. LITTLE
DALE E. MARLOWE
CHARLES SELIGMAN III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KIMBERLY N. BARR
DANIEL P. BEALL
BRANDON S. BENNETT
CHRISTOPHER L. BRYANT
JONATHAN A. CABILLAN
THOMAS ANDREW CECH
REYNALDO CHAMPION
RACHAEL MUNRO OTT CHANCEY
KENNETH HANK CHILCOAT

TIMOTHY J. COOK
CHARLES R. CUNNINGHAM
BRANDON JOSEPH DAIGLE
BENJAMIN G. DAINTY
AARON L. DAVIS
JAMES M. DAVITCH
JACLYN N. DEROUSH
MARCKENSON DIEUJUSTE
STEVEN P. DILLENBURGER
TAMILYN S. DISMUKES
EDDIE EDWARDS, JR.
SEAN M. EVANS
JASON A. GERBER
CHRISTOPHER G. GIBBS
DUSTIN H. HANSEN
JAMES M. HARRINGTON
DUSTIN M. HART
ERIN P. HAYDE
TRAVIS J. HERBRANSON
LORI R. HODGE
HANS G. HOFFMAN
AMANDA ELIZABETH KNOTTS
PAUL I. KOECHER
ANTHONY L. LANG
SIYEON LEE
DOUGLAS W. MABRY
JONTAE S. MCGREW
CHRISTINE MARAL MCVANN
JAMES R. MERENDA
SCOTT A. METZLER
ANDREW C. MILLER
KELLY M. MONTIER
KRISTY L. MOORE
MICHELLE I. NASH
GENE H. NOH
ANDREA M. OCONNOR
STEPHEN A. OLIVARES
LISA MARIE CORLEY ONEIL
SEAN P. PICCIRILLI
KENNETH A. ROBERTS, JR.
SCOTT D. RYDER
LAWRENCE F. SCHUTZ
ERIK W. SCHWARZ
BORIS SHIF
RYAN DANIEL SKAGGS
STEVEN B. SKIPPER
DAVID B. STEVENSON
MATTHEW SUHRE
KYLE A. TAKAMURA
FRANK A. THEISING
CHRISTOPHER A. THUOTTE
STACIE L. VOORHEES
CHRISTOPHER MICHAEL WADDELL
JASON DOUGLAS WALKER
JOSEPH A. WATSON
BRIAN E. WEBSTER
SCOTT ALLEN WEED
TYSON KRISTOPHER WETZEL
THOMAS K. WILSON
PATRICK WOLVERTON
BENJAMIN D. YOUNGQUIST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

NATHAN J. ABEL
JOHNATHAN M. ARTIS
GREGORY R. BARBER
MELVIN I. BAYLON
GARY SCOTT BEISNER II
JONATHAN BORTLE
JASON C. BRAUN
STEPHEN J. BROGAN
JAMES T. CALDWELL
ROWLAND CARDONI
JOHN P. CASEY
JOHN G. DAYTON
TODD C. DYE
SHAUN M. EASLEY
JAKE ALAN ELSASS
SHANNON M. FARRELL
NICHOLAS G. FERANEC
HUGH E. GARDENIER
RYAN N. GIVENS
ZACHARY C. GRAY
CARMEN JAIME HALE
STEVE HAMAMGIAN
PAUL D. HENDRICKSON
BRYAN J. HOGAN
ETHAN D. HOLT
EDWARD E. JONES
SERGEY M. KAPLAN
MARC LEWIS
LARRY C. LLEWELLYN II
EVE M. MCCLOUD
STUART R. MENN
CHRISTOPHER A. MICHELE
NATASHA A. MILLER
JEFFREY E. NAFF
CHARLES V. OCONNOR III
DAVID L. PAYTON
JUSTIN T. PENDRY
JOSEF N. PETERSON
MICHAEL C. POCHET
SKYLAR E. QUINN
TIFFANY N. RIVERA
JAMES A. RODRIGUEZ
MATTHEW C. ROSS
JERMAINE S. SAILSMAN
JAMES MICHAEL SATTLER
BENJAMIN M. SMITH
JOHN WILLARD SOUTHARD
NATHAN C. STUCKEY
DUSTIN T. THOMAS
CHRISTOPHER C. THROWER
WENDELL R. TONEY
GREGORY K. VAN DYK
MATTHEW J. VANGILDER
ANDREW R. VRABEC
LAWRENCE C. WARE
TODD MICHAEL WATSON
TIMOTHY S. WILLIAMS
WARREN ERIC WITHROW
JASON LEWIS WOODRUFF
VUE YANG
BAI LAN ZHU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BILLY S. ALLEN
PAUL M. ARKWELL
KENNETH B. BEEBE III
GREGORY R. BODENSTEIN
LUCAS EDWARD BUCKLEY
CHRISTOPHER D. BULSON
BLAIR W. BYREM
JAYSON WILLIAM CABELL
ERNEST L. CAGE
GLENN S. CAMERON
CHRISTOPHER J. CARNDUFF
PATRICK F. CARPIZO
STUART E. CHURCHILL
ANDREW G. CLEMMENSEN
AARON MCGILL COOPER
KELLIE S. COURTLAND
ADAM V. COYNE
CASEY R. CRABILL
GREGORY S. CRESSWELL
STEVEN W. DAWSON
JOSHUA A. DEPAUL
CHRISTOPHER DUNSTON
JOSEPH O. EDINGTON
JEFFREY E. ELLIOTT
BRIAN M. FITZPATRICK
MICHAEL G. FLEMING
MATTHEW P. FOISY
JACOB R. FOLEY
TIMOTHY P. FOSTER
JENNIFER M. GIOVANNETTI
ANDREW L. GMYTRASIEWICZ
MONIQUE CHERIE GRAHAM
SCOTT A. HAACK
THOMAS W. HAAS
GREGORY D. HAMMOND
CHARLES G. HANSEN
CARINA R. HARRISON
JON M. HART
ERIC M. HENDRICKSON
NAOMI Y. HENIGIN
SHELBY B. HENRY
MATTHEW J. HUIBREGTSE
JONATHAN IZWORSKI
KIMBERLY A. JENNINGS
JEFFREY R. KAEPP
ROBERT M. KOCHAN
KAZIMIR M. KOSTRUBALA
RODNEY A. LAMBERT
MIRANDA S. LASHINSKI
YOGI L. LEBBY
JACOB D. LECK
CHRISTINE R. LITTLEJOHN
ROBERT LIU
KEVIN B. LOMBARDO
ROBINSON R. MATA
BRIAN S. MIX
ROSS A. MOL
ANTHONY R. MOLLISON
DEREK C. MOLLOY
JENNIFER R. NERIS
QUOCNAM T. NGUYEN
JOSHUA J. PERSING
ANDREW J. PETERSON
JENNIFER M. PHILLIPS
KENNETH M. RASZINSKI
DANIEL C. RIGSBEE
EDWIN RUCKWARDT
JULIE ANNE RUDY
GREGORY M. SAVELLA II
TYLER B. L. SCHROEDER
SAMUAL P. SHIMP
JAMES S. SIMMONS
THANE A. SISSON
FRANK T. SKRYPAK
LAWRENCE A. SMITH II
MICHAEL B. SPECK
RYAN L. STEBBINS
MICHELLE L. STERLING
MATTHEW T. TARANTO
MICHAEL J. THOMPSON
RENEE Z. THUOTTE
JONATHAN M. TOWNSEND
JOHN M. TRAVIESO
MAUREEN A. TRUJILLO
RYAN G. WALINSKI
JAMES A. WALL
KEVIN L. WATTS
CHRISTOPHER J. WEDEWER
HEATHER A. WEMPE
BRANDON D. WENGERT
JOSHUA D. WILD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ALLEN Y. AGNES
BRADFORD K. AIKENS
MICHAEL JOHN ALBRECHT
DAVID M. ANDERSON
JOHN P. ANDERSON
JOSHUA O. ARKI
GABRIEL S. ARRINGTON
WILLIAM C. ATKINS
KEVIN P. AUGER
ANDREW J. BABIARZ
RUSSELL S. BADOWSKI
BRADLEY CHARLES BAKER
THOMAS J. BANASZAK
RICHARD BARBER
ARTHUR C. BARTON
LUKE A. BATES
BYRON F. BATEY
MEREDITH A. BEAVERS
ANDREW I. BECKETT
KRISTIN A. BEITZ
BRIAN D. BENTON
JOHN W. BERGER
BRYANT L. BEVAN
FRANK A. BIANCARDI II
JASON P. BIANCHI
ROBERT E. BITTNER, JR.
DAVID J. BLAIR
BRAD P. BOWYER
TIMOTHY K. BRAWNER
SARAH J. BREHM
JERRAD H. BROWN
MATTHEW G. BROWN
ANDREW R. BRUCE
JARED JOSEPH BRUPBACHER
BENJAMIN T. BRYANT
LEE W. BRYANT
PAUL W. BRYANT
NATHAN D. BUMP
JOHN ERIC BURRELL
BRIAN M. BUSCHUR
JESSE PHILIP CALDWELL
CHARLES G. CAMERON
ANTHONY P. CAMPBELL
BRENT S. CARPENTER
CHRISTOPHER M. CARSON
BRETT J. CASSIDY
JOSHUA CORY CHAMBERS
KYLE M. CLINTON
DAVID A. COCHRAN
JAMES B. COMBS
NICHOLAS J. CONKLIN
VAIMANA CONNER
DANIEL W. CONVERSE
LANE A. COOK
GREGORY K. CREW
SCOTT T. CROWELL
MICHAEL J. CULHANE
SEAN P. CUNNIFF
MATTHEW A. CUNNINGHAM
HOWARD K. DARLING
CHRISTOPHER M. DE WINNE
NICHOLAS J. DEFAZIO
JOHN G. DELION
NATHAN T. DENNEN
DAVID DEPTULA
MATTHEW B. DIBBLE
HOLLIE N. DIESSELHORST
JEFFREY T. DIGSBY
CHRISTOPHER B. DILLER
BENJAMIN A. DONBERG
JESSE S. DOYLE
JOHNATHAN A. ECCLES
JOSHUA W. EHMEN
KEVIN H. ELEY
KRISTINA L. ELLIS
JESSE A. ENFIELD
BRIAN C. EPPERSON
ALBERT M. ESPOSITO
JEREMY JAKE FARLAINO
GERALD J. FERDINAND
DAMON G. FIELD
CHRISTOPHER J. FINCH
KARI M. FLEMING
KEVIN JAMES FLETCHER
PATRICK J. FOLEY
JONAS W. FREEL
SHANE W. GARNER
MICHAEL D. GARROTT
JASON E. GLANOVSKY
DAVID WAYNE GOLDEN
ADOLFO U. GORBEA
WALTER B. GOSS
JEREMY L. GOULD
RYAN M. GRAF
DAVID J. GRASSO
TIMOTHY GRIFFITH
JARED N. GUDE
JEROMY B. GUINTHER
DAVID R. GUNTER
MENOLA M. GUTHRIE
JOHN M. HABBESTAD
SEAN P. HALL
MARK L. HAMILTON
OMAR J. HAMILTON
JASON C. HANEY
JASON T. HANSBERGER
MICHAEL D. HANSON
STEVEN C. HANSON
NATHAN N. HARROLD
RANDALL L. HARVEY II
JAMES H. HAYES III
SCOTT M. HAZY
DANIEL B. HEELY
NICHOLAS J. HELMS
DANIEL J. HILFERTY
ZOLTAN LUKE HOMONNAY
MATTHEW I. HORNER
SEAN F. HOWLETT
KRISTIN M. HUBBARD
GABRIEL M. HULL

SHAUN JOSEPH HUMPHREY
NICHOLAS R. IHDE
RODERICK V. JAMES
JOHN M. JEWELL
ERIC B. JOHNSON
MAX C. JOHNSON
WILLIAM F. JOHNSON III
MICHAEL P. JOKHY
REBB S. JONES
KENNETH KOBEY JUHL
SARAH S. KAISER
BRIAN S. KELLAM
CHRISTOPHER J. KELLER
JONATHAN ABNER KELLER
WILLIAM J. KELLY
MICHAEL D. KING
ROBERT J. KLINE
JOSEPH A. KNOTHE
CHRISTOPHER AARON KOELTZOW
MICHAEL A. KUMP
JONATHAN W. KUNTZ
JOSEPH P. LACLEDE
KEVIN D. LARSON
FREDERIC LATHROP
OLIVER R. LAUSE
CHRISTOPHER C. LAZIDIS
MICHAEL J. LEWIS
DANIEL J. LINDLEY
DANIEL R. LINDSEY III
ROYCE MICHAEL LIPPERT
RYAN M. LIPPERT
REUBEN J. LITTON
NICHOLAS S. LOFTHOUSE
JOSEPH J. LOPEZ
KENNETH Y. LOUIE
MICHAEL J. LYNCH
MICHAEL R. LYNCH
PATRICK B. LYSAGHT
JONATHAN H. MAGILL
DAVID MICHAEL MANRRIQUE
PETER J. MAURO
MARCUS A. MCGINN
KATHARINE RUTCHKA MCGREGOR
SAMUEL G. MCINTYRE
JEFF D. MCMASTER
THOMAS F. MEAGHER
PHILIPPE K. MELBY
DANIEL E. MENDOZA
KYLE JAMES MEYER
DERRICK CHARLES MICHAUD
MICHAEL G. MIDDENTS
ROBERT D. MILLER
ANDREW A. MILLIGAN
ELI G. MITCHELL
TODD A. MOENSTER
JASON TODD MONACO
SAMUEL L. MORELAND
ALLEN C. MORRIS, JR.
DONALD A. MORRIS
JESSE K. MORSE
GREGORY M. MOULTON
MICHAEL SCOTT MULLIN
MICHAEL SCOTT MURPHY
SHANE PATRICK MUSCATO
BRIAN D. MUTO
BRIAN B. NEAL
STEVEN NORRIS
CHRIS Y. NORTHAM
JAIME OLIVARES
TREY J. OLMAN
MARK T. OLMSTEAD
CHAD D. OVERTON
KEVIN L. PARSONS
NATHAN C. PERRY
ERIC M. PETERSON
THOMAS E. PHILLIPS, JR.
BRETT E. PLUMMER
MICHAL P. POLIDOR
MATTHEW A. POLUS
NICHOLAS JOHN POPP
MATTHEW M. PRICE
JARRED L. PRIER
MICHAEL L. PRIMIANO
MATTHEW J. PROVENCHER
GRANT ANDERSON RAUP
CHARLES W. REDMOND
RUSSELL T. REESE
AARON D. REID
BRANT CONOR REILLY
SHELDON A. RESSLER
JASON S. RICHARDSON
BRENT G. RITZKE
BRIAN R. ROBERTSON
TYLER STORER ROBERTSON
JASON S. RODGERS
ADAM HIPOLITO ROSADO
TIMOTHY J. ROTT
METODI V. ROULEV
RAYMOND K. ROUNDS
KEVIN P. ROWLETTE
ADAM C. RUDOLPHI
REBECCA F. RUSSO
ETHAN A. RUTELL
ETHAN E. SABIN
STEPHEN R. SAVELL
ZACHARY T. SCHAFFER
JOHN W. SCHMIDTKE
STEVEN A. SCHNOEBELEN
DAVID W. SCHUR
MICHAEL J. SCHWAN
JOHN R. SCHWARTZ
SETH PETER SCHWESINGER
THEODORE JOHN SHANKS
BRANDON R. SHROYER
MATTHEW G. SIKKINK
JASMINE MARIE SIMMS
CHRISTOPHER A. SKOW
RYAN A. SLAUGHTER
JONATHAN M. SLINKARD
JEREMY R. SMITH
RIKKI D. SMITH
RYAN G. SMITH
LUCAS D. SPATHES
ALEC THOMAS SPENCER
WESLEY N. SPURLOCK III
RYAN L. STALLSWORTH
LEE W. STANFORD
GREGORY M. STEENBERGE
EDWARD R. STEINFORT
ADRAIN E. STEMPLE II
GRAHAM R. STEWART
TONY J. STIBRAL
SCOTT J. STONE
AARON JOSEPH STRODE
MATTHEW P. STUECK
ROBERT W. STURGILL, JR.
DEREK J. SYSWERDA
BRIAN C. TALIAFERRO
CHRISTOPHER M. THACKABERRY
MATTHEW B. THRIFT
RYAN C. THULIN
ANDREW CHARLES TIDGEWELL
AARON P. TILLMAN
NELSON E. TIRADO
LEONARDO A. TONGKO
STEVEN A. TRUEBLOOD
BRYAN BERFENTI TUINMAN
RICHARD J. TURNER
MARK ALLEN TYLER
RYAN T. TYPOLT
DAVID B. UNDEUTSCH
ANDREW J. VAIL
JOSEPH S. VALENTINO
JAMES M. VALPIANI
DONALD E. VANSLYKE
JESSE O. VIG
HUGH E. WALKER III
WILLIAM M. WALKER II
JONATHON C. WALLER
KEVIN WALSH
THOMAS ALAN WALSH
ANDRE M. WALTON
DANIEL C. WASSMUTH
JOSHUA CHRISTMAN WATKINS
WILLIAM J. WATKINS
JONATHAN N. WATSON
BEACHER R. WEBB III
FRANK W. WELTON
MICHAEL F. WENDELKEN
MARK D. WHISLER
KEVIN E. WHITE
MARCUS J. WHITE
BISHANE ANTHONY WHITMORE
JOSHUA D. WIITALA
JUSTIN J. WILLIAMS
DANIEL CLYDE WILLIS
CHRISTOPHER L. WINKLEPLECK
ALEXANDER D. WINN
MING XU
ALAN YEE
DENNIS A. ZABKA
JOSE L. ZAMBRANO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL A. BUNCH
DENNIS P. CRAWFORD
WILLIAM DYER
DUSTIN D. HARMON
RICHARD K. HARROP
JOSHUA JAMES HENDERSON
MATTHEW J. HLIVKO
JEFFREY S. REGAN
ANTHONY G. RHOADES
MICHAEL WILLIAM SUDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DEAR BELOVED
ROBIN E. CADOW
MARCO A. CARDENAS
MARK A. CRAMER
MATTHEW A. FAHRNER
ROBERT T. HINES, JR.
NATHAN W. KIBBY
DAVID T. KIM
MICHAEL B. MCKENZIE
VRETTOS W. NOTARAS
ERIN S. REYNOLDS
JOHN T. SZCZEPANSKI

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRENDAN D. LIND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DIANA M. CARL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN C. CLOUD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SHEVEZ L. FREEMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S. C., SECTIONS 624 AND 7064:

To be major

CHRISTOPHER GONZALEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

GABRIEL E. MONFISTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

JOFA MWAKISEGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S. C., SECTIONS 624 AND 7064:

To be major

STEPHEN K. NETHERLAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

LESLIE E. PANDY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

KELD A. PIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

CHRISTOPHER W. ODLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW E. LONGAR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERIK C. ADERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DARRELL K. SCALES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUDITH M. LOGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GREGORY E. BROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

D016391

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN D. DEERIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANIEL R. HENDERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

OMAR L. MCKEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

D012835

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

D016128

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 4, 2022 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 7

10 a.m.

Committee on Finance

Business meeting to consider the nomination of Douglas J. McKalip, of the District of Columbia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

SD–215

Daily Digest

HIGHLIGHTS

Senate agreed to the resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden (Treaty Doc. 117–3), as amended.

Senate

Chamber Action

Routine Proceedings, pages S3873–S4001

Measures Introduced: Sixteen bills and four resolutions were introduced, as follows: S. 4750–4765, and S. Res. 740–743. **Pages S3918–19**

Measures Reported:

S. 4057, to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management, with an amendment in the nature of a substitute. (S. Rept. No. 117–139)

S. 4205, to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, with an amendment in the nature of a substitute. (S. Rept. No. 117–140) **Page S3914**

Measures Passed:

Greenwood, Indiana Attack: Senate agreed to S. Res. 740, condemning the attack that occurred in Greenwood, Indiana, on July 17, 2022, expressing support and prayers for those impacted by that tragedy, and praising the actions of Elisjsha Dicken (also known as the ''Good Samaritan'') who valiantly engaged and thwarted the shooter. **Page S3902**

Jenna Quinn Law: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 734, to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students, and the bill was then passed, after taking action on the following amendments proposed thereto: **Page S3904**

Schumer (for Cornyn/Hassan) Amendment No. 5195, to require reports on the program of child sexual abuse awareness field-initiated grants. **Page S3904**

National Lobster Day: Senate agreed to S. Res. 742, designating September 25, 2022, as ''National Lobster Day''. **Page S3904**

Congratulating the Colorado Avalanche: Senate agreed to S. Res. 743, congratulating the Colorado Avalanche on winning the 2022 Stanley Cup Final. **Pages S3904–05**

National Environmental Policy Act Implementing Regulations Revisions—Agreement: A unanimous-consent agreement was reached providing that at approximately 12:00 noon, on Thursday, August 4, 2022, Senate begin consideration of S. J. Res. 55, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Council on Environmental Quality relating to ''National Environmental Policy Act Implementing Regulations Revisions'', and that at 1:45 p.m., Senate vote on passage of the joint resolution; and that upon disposition of the joint resolution, Senate execute the previous order with respect to the nomination of Roopali H. Desai, of Arizona, to be United States Circuit Judge for the Ninth Circuit. **Page S3905**

Treaty Approved: The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification was agreed to by a vote of 95 yeas to 1 nay (Vote No. 282): Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden (Treaty Doc. 117–3), after taking action on the following amendments proposed thereto:

Adopted:

Sullivan Amendment No. 5192, to provide a declaration to the Protocol. **Pages S3892–99**

Rejected:

By 10 yeas to 87 nays (Vote No. 281), Paul Amendment No. 5191, to provide a reservation to the Protocol. **Pages S3898–99**

Desai Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate begin consideration of the nomination of Roopali H. Desai, of Arizona, to be United States Circuit Judge for the Ninth Circuit, that there be 10 minutes for debate equally divided in the usual form on the nomination; that upon the use or yielding back of time, Senate vote on confirmation of the nomination, without intervening action or debate. **Page S3904**

Nominations Received: Senate received the following nominations:

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.

Alvin Brown, of Florida, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2026.

David Crane, of New Jersey, to be Under Secretary of Energy.

Juan Eduardo Sanchez, of Texas, to be Federal Cochairperson of the Southwest Border Regional Commission.

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2023.

Kathleen A. FitzGibbon, of New York, to be Ambassador to the Republic of Niger.

Eric W. Kneedler, of Pennsylvania, to be Ambassador to the Republic of Rwanda.

Elizabeth Rood, of Pennsylvania, to be Ambassador to Turkmenistan.

Bijan Sabet, of Massachusetts, to be Ambassador to the Czech Republic.

Richard L.A. Weiner, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

Colleen Joy Shogan, of Pennsylvania, to be Archivist of the United States.

Robert Harley Shriver III, of Virginia, to be Deputy Director of the Office of Personnel Management.

Routine lists in the Air Force and Army. **Pages S3998–S4001**

Measures Placed on the Calendar: **Page S3913**

Executive Communications: **Pages S3913–14**

Executive Reports of Committees: **Pages S3915–18**

Additional Cosponsors: **Pages S3919–20**

Statements on Introduced Bills/Resolutions: **Pages S3920–22**

Additional Statements: **Pages S3912–13**

Amendments Submitted: **Pages S3922–93**

Authorities for Committees to Meet: **Pages S3993–94**

Privileges of the Floor: **Page S3994**

Record Votes: Two record votes were taken today. (Total—282) **Pages S3899–S3900**

Adjournment: Senate convened at 12 noon and adjourned at 7:49 p.m., until 12 noon on Thursday, August 4, 2022. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3998.)

Committee Meetings

(Committees not listed did not meet)

ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

Committee on Finance: Committee concluded a hearing to examine organizational failures of the United States organ procurement and transplantation network, after receiving testimony from Brian Shepard, United Network for Organ Sharing, Richmond, Virginia; Diane Brockmeier, Mid-America Transplant, St. Louis, Missouri; Barry S. Friedman, AdventHealth Transplant Institute, Orlando, Florida; Calvin Henry, Organ Procurement and Transplantation Network, Atlanta, Georgia; and Jayme Locke, University of Alabama, Birmingham.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Nathaniel Fick, of Maine, to be Ambassador at Large for Cyberspace and Digital Policy, who was introduced by Senator King, Rachna Sachdeva Korhonen, of New Jersey, to be Ambassador to the Republic of Mali, Lucy Tamlyn, of Rhode Island, to be Ambassador to the Democratic Republic of the Congo, and Jessica Davis Ba, of the District of Columbia, to be Ambassador to the Republic of Cote d'Ivoire, who was introduced by Representative Norton, all of the Department of State, and Rolfe Michael Schiffer, of New York, to be an Assistant Administrator of the United States Agency for International Development, who was introduced by Senator Menendez, after the

nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original resolution celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022; and

The nominations of Robert F. Godec, of Virginia, to be Ambassador to the Kingdom of Thailand, Jonathan Henick, of Virginia, to be Ambassador to the Republic of Uzbekistan, Lesslie Viguerie, of Virginia, to be Ambassador to the Kyrgyz Republic, Daniel N. Rosenblum, of Maryland, to be Ambassador to the Republic of Kazakhstan, Puneet Talwar, of the District of Columbia, to be Ambassador to the Kingdom of Morocco, Candace A. Bond, of Missouri, to be Ambassador to the Republic of Trinidad and Tobago, Randy W. Berry, of Colorado, to be Ambassador to the Republic of Namibia, William H. Duncan, of Texas, to be Ambassador to the Republic of El Salvador, Hugo F. Rodriguez, Jr., of Pennsylvania, to be Ambassador to the Republic of Nicaragua, Heide B. Fulton, of West Virginia, to be Ambassador to the Oriental Republic of Uruguay, Robert J. Faucher, of Arizona, to be Ambassador to the Republic of Suriname, Shefali Razdan Duggal, of California, to be Ambassador to the Kingdom of the Netherlands, Angela Price Aggeler, of the District of Columbia, to be Ambassador to the Republic of North Macedonia, Carrin F. Patman, of Texas, to be Ambassador to the Republic of Iceland, Gautam A. Rana, of New Jersey, to be Ambassador to the Slovak Republic, and Yohannes Abraham, of Virginia, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank and status of Ambassador, all of the Department of State.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 4488, to establish an interagency committee on global catastrophic risk, with an amendment in the nature of a substitute;

S. 4337, to amend title 5, United States Code, to authorize the appointment of spouses of members of the Armed Forces who are on active duty, disabled, or deceased to positions in which the spouses will work remotely, with an amendment in the nature of a substitute;

S. 4516, to require the Office of Federal Procurement Policy to develop governmentwide procurement policy and guidance to mitigate organizational conflict of interests relating to national security and foreign policy;

S. 4465, to establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, with an amendment in the nature of a substitute;

S. 4572, to require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry, with amendments;

S. 4687, to enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, with an amendment in the nature of a substitute;

S. 4611, to improve services for trafficking victims by establishing, in Homeland Security Investigations, the Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program and the Victim Assistance Program, with an amendment in the nature of a substitute;

S. 4656, to reauthorize and amend the Homeland Security Act of 2002 to create stronger accountability mechanisms for Joint Task Forces, with an amendment in the nature of a substitute;

S. 4654, to amend section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to incentivize States, Indian Tribes, and Territories to close disaster recovery projects by authorizing the use of excess funds for management costs for other disaster recovery projects, with an amendment in the nature of a substitute;

S. 4623, to advance Government innovation through leading-edge procurement capability;

S. 4552, to extend the program for authority to acquire innovative commercial items using general solicitation procedures;

S. 4553, to extend other transaction authority for the Department of Homeland Security;

S. 4477, to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, with an amendment in the nature of a substitute;

S. 4629, to amend the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 to modify requirements relating to data centers of certain Federal agencies;

S. 1877, to modify eligibility requirements for certain hazard mitigation assistance programs, with an amendment in the nature of a substitute;

S. 4592, to encourage the migration of Federal Government information technology systems to quantum-resistant cryptography;

S. 4599, to streamline the sharing of information among Federal disaster assistance agencies, to expedite the delivery of life-saving assistance to disaster

survivors, to speed the recovery of communities from disasters, to protect the security and privacy of information provided by disaster survivors, with an amendment in the nature of a substitute;

S. 4326, to authorize the Director of U.S. Immigration and Customs Enforcement to pay stipends to members of Transnational Criminal Investigative Units who have been properly vetted, with an amendment;

S. 4645, to restrict the flow of illicit drugs into the United States, with an amendment in the nature of a substitute;

S. 4460, to require the Commissioner of U.S. Customs and Border Protection to regularly review and update policies and manuals related to inspections at ports of entry, with an amendment in the nature of a substitute;

S. 4577, to improve plain writing and public experience;

H.R. 5641, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act, with an amendment;

H.R. 3709, to direct the Administrator of the Federal Emergency Management Agency to submit to Congress a report on preliminary damage assessments and make necessary improvements to processes in the Federal Emergency Management Agency;

H.R. 6825, to amend the Homeland Security Act of 2002 to enhance the funding and administration of the Nonprofit Security Grant Program of the Department of Homeland Security, with an amendment in the nature of a substitute;

H.R. 5615, to direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, with an amendment in the nature of a substitute;

H.R. 7077, to require the United States Fire Administration to conduct on-site investigations of major fires;

H.R. 370, to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews;

H.R. 521, to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled;

H.R. 91, to designate the facility of the United States Postal Service located at 810 South Pendleton Street in Easley, South Carolina, as the ''Private First Class Barrett Lyle Austin Post Office Building'';

H.R. 92, to designate the facility of the United States Postal Service located at 110 Johnson Street in Pickens, South Carolina, as the ''Specialist Four Charles Johnson Post Office'';

H.R. 700, to designate the facility of the United States Postal Service located at 303 East Mississippi Avenue in Elwood, Illinois, as the ''Lawrence M. 'Larry' Walsh Sr. Post Office'';

H.R. 3508, to designate the facility of the United States Postal Service located at 39 West Main Street, in Honeoye Falls, New York, as the ''CW4 Christian J. Koch Memorial Post Office'';

H.R. 5271, to designate the facility of the United States Postal Service located at 2245 Rosa L Parks Boulevard in Nashville, Tennessee, as the ''Thelma Harper Post Office Building'';

H.R. 5900, to designate the facility of the United States Postal Service located at 2016 East 1st Street in Los Angeles, California, as the ''Marine Corps Reserve PVT Jacob Cruz Post Office'';

H.R. 6386, to designate the facility of the United States Postal Service located at 450 West Schaumburg Road in Schaumburg, Illinois, as the ''Veterans of Iraq and Afghanistan Memorial Post Office Building'';

H.R. 6614, to designate the facility of the United States Postal Service located at 4744 Grand River Avenue in Detroit, Michigan, as the ''Rosa Louise McCauley Parks Post Office Building''; and

H.R. 5809, to designate the facility of the United States Postal Service located at 1801 Town and Country Drive in Norco, California, as the ''Lance Corporal Kareem Nikoui Memorial Post Office Building''.

GAIN OF FUNCTION RESEARCH

Committee on Homeland Security and Governmental Affairs: Subcommittee on Emerging Threats and Spending Oversight concluded a hearing to examine gain of function research, focusing on what the pandemic taught us and where to go from here, after receiving testimony from Richard H. Ebright, Rutgers University Waksman Institute of Microbiology, Piscataway, New Jersey; Steven Quay, Atossa Therapeutics, Inc., Seattle, Washington; and Kevin M. Esvelt, Massachusetts Institute of Technology, Cambridge.

DEMOCRACY'S FRONTLINE WORKERS

Committee on the Judiciary: Committee concluded a hearing to examine protecting our democracy's frontline workers, after receiving testimony from Kenneth Polite, Jr., Assistant Attorney General, Criminal Division, Department of Justice; Kim Wyman, Senior Election Security Lead, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security; Jocelyn Benson, Michigan Secretary of State, Lansing; Maggie Toulouse Oliver, New Mexico Secretary of State, Santa Fe; Amy Cohen, National Association of State Election Directors, Washington, D.C.; Matt Crane, Colorado County Clerks Association, Littleton; D. Michael Hurst, Jr., Phelps Dunbar LLP, Jackson, Mississippi; Rafael A. Mangual, Manhattan Institute for Policy Research, New York, New York; and Jason C. Johnson, Law Enforcement Legal Defense Fund, Baltimore, Maryland.

ELECTORAL COUNT ACT

Committee on Rules and Administration: Committee concluded a hearing to examine the Electoral Count Act, focusing on the need for reform, after receiving testimony from Senators Collins and Manchin; Bob Bauer, New York University School of Law, and Janai Nelson, NAACP Legal Defense and Educational Fund, Inc., both of New York, New York; John M. Gore, Jones Day, and Norman L. Eisen, Brookings Institution, both of Washington, D.C.; and Derek T. Muller, University of Iowa College of Law, Iowa City.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the nomination of Jaime Areizaga-Soto, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 3 p.m. on Friday, August 5, 2022.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 4, 2022

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the economic costs of climate change, 10 a.m., SD–538.

Committee on Foreign Relations: Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism, to hold hearings to examine China's role in the Middle East, 10:30 a.m., SD–419.

Committee on the Judiciary: business meeting to consider S. 4524, to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment, S. 673, to provide a temporary safe harbor for publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed, and the nominations of Rachel Bloomekatz, of Ohio, to be United States Circuit Judge for the Sixth Circuit, Doris L. Pryor, of Indiana, to be United States Circuit Judge for the Seventh Circuit, Maria del R. Antongiorgi-Jordan, Gina R. Mendez-Miro, and Camille L. Velez-Rive, each to be a United States District Judge for the District of Puerto Rico, Ana C. Reyes, to be United States District Judge for the District of Columbia, and Natalie K. Wight, to be United States Attorney for the District of Oregon, Department of Justice, 9 a.m., SH–216.

Full Committee, to hold an oversight hearing to examine the Federal Bureau of Investigation, 10 a.m., SH–216.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

12 noon, Thursday, August 4

Senate Chamber

Program for Thursday: Senate will begin consideration of S. J. Res. 55, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Council on Environmental Quality relating to ''National Environmental Policy Act Implementing Regulations Revisions'', and vote on passage thereon at 1:45 p.m.

Following disposition of the joint resolution, Senate will begin consideration of the nomination of Roopali H. Desai, of Arizona, to be United States Circuit Judge for the Ninth Circuit, and vote on confirmation thereon.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

3 p.m., Friday, August 5

House Chamber

Program for Friday: House will meet in Pro Forma session at 3 p.m.

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