bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5745. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 7900, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish, require, with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table.

SA 5746. Mr. CORNYN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 5647. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 58. EQUITY FOR READY RESERVE CORPS OF THE PUBLIC HEALTH SERVICE.**

(a) **DUAL EMPLOYMENT.**—Section 5334 of title 5, United States Code, is amended—

(1) by inserting ``(1), a member of the Ready Reserve Corps of the Public Health Service,” after “armed forces”; and

(2) by inserting “; and the Ready Reserve Corps,” after “allowances as a Reserve”.

(b) **UNIFORMED SERVICE LEAVE.**—

(1) **IN GENERAL.**—Section 6323 of title 5, United States Code, is amended—

(A) in the section heading, by striking “military leave; Reserve and National Guardsmen” and inserting “Uniformed services leave and Reserve officers and Reserve personnel”;

(B) by adding at the end the following:

“(c)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia is entitled to leave without pay, for a reasonable time, or performance or efficiency rating for that employee or individual at the rate of 15 days per fiscal year, and to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

“(2) In the case of an employee or individual employed on a part-time career employment basis (as defined in section 3401(2) of this title), the rate at which leave accrues under this subsection shall be a percentage of the rate prescribed under paragraph (1) of this subsection by dividing 49 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.

“(3) In the case of an employee or individual employed on a part-time temporary employment basis (as defined in section 3401(3) of this title), the rate at which leave accrues under this subsection is one hour, and additional charges are in multiples thereof.”.

(2) **CONFIRMING AMENDMENT.**—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6323 and inserting the following:

“6323. Uniformed services leave.”.

SA 5649. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1077. EXTENSION OF CERTAIN EDUCATIONAL BENEFITS TO MEMBERS OF THE PUBLIC HEALTH SERVICE READY RESERVE CORPS.**

(a) **IN GENERAL.**—Section 1631 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “each military department” and inserting “reserve component of the Secretary’s uniformed service”;

(B) by striking “and” after “Secretary of Defense”;

(C) by inserting “and the Secretary of Health and Human Services” after “the Public Health Service Ready Reserve Corps,” after “Navy”;

(D) by striking “of the armed forces under the jurisdiction of the Secretary concerned” and inserting “of the uniformed services under the jurisdiction of such Secretary”; and

(2) in subsection (b)(1), by inserting “or the Secretary of Health and Human Services, as the case may be” after “Secretary concerned”;

(3) in subsection (c)(3)(B), by inserting “section 233 of the Public Health Service Act (42 U.S.C. 204(a)(4))” after “of this title”;

(4) in subsection (g)(2)(A), by inserting “or the Secretary of Health and Human Services, as the case may be” after “Secretary concerned”;

and

(5) in subsection (i)—
SA 5653. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section G of title X, add the following:

 SECTION 1077. PUBLIC HEALTH SERVICE READY RESERVE CORPS—

(a) ESTABLISHMENT.—Section 10411 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “in each armed force” and inserting “in each uniformed service”; and

(2) in subsection (c), striking “the same for all armed services” and inserting “the same for all reserve components of the uniformed services”.

(b) ORGANIZATION AND UNIT STRUCTURE.—Section 10143(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “and the Public Health Service Ready Reserve Corps” after “other than the Coast Guard”;

(B) by striking “war plans;” and inserting “war plans;”;

(2) in paragraph (2), by striking the period at the end and inserting “;”;

and

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

“(3) in the case of the Public Health Service Ready Reserve Corps, by the Secretary of Health and Human Services upon the recommendation of the Assistant Secretary for Health.”

(c) PLACEMENT IN READY RESERVES.—Section 10145(a) of title 10, United States Code, is amended by striking “Reserve Component” and inserting “Reserve Component of the reserve component of the member’s uniformed service”.

SA 5652. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section G of title X, add the following:

SEC. 1076. EXPANSION OF CERTAIN COVERAGE UNDER THE TRICARE PROGRAM TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES.

(a) EXPANSION OF CERTAIN HEALTH CARE COVERAGE TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES—

(1) DELAYED-EFFECTIVE-DATE ACTIVE-DUTY ORDER.—Section 1074a(d)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “uniformed services”.

(2) OVERTIME PRIOR TO DUTY.—Section 1074a(a) of such title is amended—

(A) in paragraph (3), by striking “the armed forces” and inserting “uniformed services”; and

(B) in paragraph (4), by striking “the armed forces” and inserting “uniformed services”.

(b) EXPANSION AND CLARIFICATION OF CERTAIN TRICARE RESERVE PROGRAM TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES.—

(1) TRICARE RESERVE SELECT.—Section 1076a(a)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “uniformed services”.

(2) TRICARE RETIRED RESERVE.—Section 1076a(b)(1) of such title is amended by striking “the armed forces” and inserting “uniformed services”.

(3) TRICARE DENTAL PROGRAM.—Section 1076a(a)(1) of such title is amended—

(A) in paragraph (a), by inserting “a reserve component of a uniformed service” after “Ready Reserve”;

and

(B) in paragraph (4), by striking “the reserve component” and inserting “a reserve component of a uniformed service”.

SEC. 706. EXPANSION OF CERTAIN COVERAGE UNDER THE TRICARE PROGRAM TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES.

(a) EXPANSION OF CERTAIN HEALTH CARE COVERAGE TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES—

(1) DELAYED-EFFECTIVE-DATE ACTIVE-DUTY ORDER.—Section 1074a(d)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “uniformed services”.

(2) OVERTIME PRIOR TO DUTY.—Section 1074a(a) of such title is amended—

(A) in paragraph (3), by striking “the armed forces” and inserting “uniformed services”; and

(B) in paragraph (4), by striking “the armed forces” and inserting “uniformed services”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 3311 and inserting the following new item:

“3311. Educational assistance for service in the uniformed services commencing on or after September 11, 2001: entitlement and administration.”

SEC. 1075. EXPANSION OF CERTAIN COVERAGE UNDER THE TRICARE PROGRAM TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES.

(a) EXPANSION OF CERTAIN HEALTH CARE COVERAGE TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES—

(1) DELAYED-EFFECTIVE-DATE ACTIVE-DUTY ORDER.—Section 1074a(d)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “uniformed services”.

(2) OVERTIME PRIOR TO DUTY.—Section 1074a(a) of such title is amended—

(A) in paragraph (3), by striking “the armed forces” and inserting “uniformed services”; and

(B) in paragraph (4), by striking “the armed forces” and inserting “uniformed services”.

(b) EXPANSION AND CLARIFICATION OF CERTAIN TRICARE RESERVE PROGRAM TO INCLUDE MEMBERS OF THE UNIFORMED SERVICES.—

(1) TRICARE RESERVE SELECT.—Section 1076a(a)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “uniformed services”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 3311 and inserting the following new item:

“3311. Educational assistance for service in the uniformed services commencing on or after September 11, 2001: entitlement and administration.”

SEC. 1077. PUBLIC HEALTH SERVICE READY RESERVE CORPS—

(a) ESTABLISHMENT.—Section 10411 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “in each armed force” and inserting “in each uniformed service”; and

(2) in subsection (c), striking “the same for all armed services” and inserting “the same for all reserve components of the uniformed services”.

(b) ORGANIZATION AND UNIT STRUCTURE.—Section 10143(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “and the Public Health Service Ready Reserve Corps” after “other than the Coast Guard”;

(B) by striking “war plans;” and inserting “war plans;”;

(2) in paragraph (2), by striking the period at the end and inserting “;”;

and

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

“(3) in the case of the Public Health Service Ready Reserve Corps, by the Secretary of Health and Human Services upon the recommendation of the Assistant Secretary for Health.”

(c) PLACEMENT IN READY RESERVES.—Section 10145(a) of title 10, United States Code, is amended by striking “Reserve Component” and inserting “Reserve Component of the reserve component of the member’s uniformed service for his or her prescribed term of service, unless such member is transferring to the Ready Reserve;”.

(d) STANDBY RESERVES.—

(1) TRANSFERS TO.—Section 1016 of title 10, United States Code, is amended—

(2) in subsection (a), by inserting “and the Secretary of Health and Human Services with respect to Public Health Service Ready
Reserve Corp’’ after “operating as a service in the Navy”; and
(B) in subsection (b), by inserting “or the Secretary of Health and Human Service, as the case may be,” after “prescribed by the Secretary concerned”.

(2) TRANSFERS FROM.—Section 10150 of title 10, United States Code, is amended by inserting “or Health and Human Services with respect to Public Health Service Ready Reserve Corp” after “operating as a service in the Navy.

(3) INACTIVE STATUS LIST.—Section 10152 of title 10, United States Code, is amended by striking “armored force” and inserting “uniformed service”.

(4) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AUTHORIZED END STRENGTH OF THE READY RESERVES OF THE ARMED FORCES.—Section 10142 of title 10, United States Code, is amended by inserting “of the armed forces” after “Ready Reserve” both places it appears.

(2) CONTINUOUS SCREENING PROVISIONS APPLICABLE TO ARMED FORCES.—Section 10144(a) of title 10, United States Code, is amended by inserting “armored forces” after “members of the Ready Reserve”.

(3) COMPOSITION OF STANDBY RESERVES OF ARMED FORCES.—Section 10151 of title 10, United States Code, is amended by inserting “of the armed forces” after “The Standby Reserve”.

SA 5654. Mr. CORKY (for himself, Mr. WHITEHOUSE, Mr. HAGERTY, and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. TREATMENT OF EXEMPTIONS UNDER FAR.

Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting “, except that the exemptions under subsections (d)(1) and (b) shall not apply to any agent of a foreign principal that is listed as a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c))) in accordance with that Act” before the colon.

SA 5655. Mr. RISCH (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. SECURING ENERGY INFRASTRUCTURE.


(1) in subsection (a)(2)—

(A) by striking “an entity” and inserting the following: “means—
‘‘(A) an’’;

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ‘‘; and’’;

(C) by adding at the end the following: ‘‘(B) a manufacturer of critical digital components, or critical control systems.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2-year” and inserting “4-year”;

(B) in paragraph (1), by striking “(including critical component manufacturers in the supply chain)”;

(C) in subsection (d), by striking paragraph (2) and inserting the following: ‘‘(2) UPDATED REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall update the report submitted under paragraph (1) and submit the updated report to the appropriate congressional committees.’’;

(D) in subsection (e), by striking “$1,500,000” and inserting “$3,000,000”.

SA 5656. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. PARTICIPATION OF THE RESERVE COMPONENTS IN THE SKILLBRIDGE PROGRAM.

Section 1143(e)(2) of title 10, United States Code, is amended to read as follows: ‘‘(2) A member of the armed forces is eligible for a program under this subsection if—

(A) the member—

(i) has completed at least 180 days on active duty in the armed forces; and

(ii) is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program; or

(B) the member is a member of a reserve component.”.

SA 5657. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. PROHIBITION ON ALLOCATIONS OF SPECIAL DRAWING RIGHTS AT INTEREST-RELATED FUND FOR PERPETRATORS OF GENOCIDE AND STATE SPONSORSHIP OF TERRORISM WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 8(b) of the Special Drawing Rights Act (22 U.S.C. 267b(b)) is amended by adding at the end the following:

(3) Unless Congress by law authorizes such action, neither the President nor any agency or person acting on behalf of the United States vote to allocate Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund, if the government of the member country has—

(A) committed genocide at any time during the 10-year period ending with the date of the vote; or

(B) been determined by the Secretary of State, as of the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, to have repeatedly provided support for acts of international terrorism, for purposes of—

(i) section 1754(c)(1)(A)(ii) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(ii));

(ii) section 520A of the Foreign Assistance Act of 1961 (22 U.S.C. 2355c(k)); or

(iii) section 4(d)(i) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(iv) any other provision of law.”.

SA 5658. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. DISCLOSURES BY DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS.

(a) IN GENERAL.—Section 18a(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78r(a)(1)) is amended by inserting “(including any such security of a foreign private issuer, as that term is defined in section 240.3a12(b) of title 17, Code of Federal Regulations, or any successor regulation)” after “pursuant to section 12”.

(b) EFFECT ON REGULATION.—If any provision of section 240.3a12(b) of title 17, Code of Federal Regulations, or any successor regulation, is inconsistent with the amendment made by subsection (a), that provision of such section 240.3a12(b) (or such successor) shall have no force or effect.

(c) ISSUANCE OR AMENDMENT OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations (or amend existing regulations of the Commission) to carry out the amendment made by subsection (a).

SA 5659. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for
fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, was ordered to lie on the table; as follows:

SEC. 1276. SUPPORT OF SPECIAL OPERATIONS FORCES AND IRREGULAR WARFARE.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by inserting after section 1275 the following new section:

"§ 1276. Support of special operations for irregular warfare.

"(a) Authority.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $25,000,000 for each fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing operations, or into situations wherein hostilities or situations wherein hostilities are clearly indicated by circumstances.

"(1) A covert action, as such term is defined in section 5(b) of the War Powers Resolution Act of 1973 (50 U.S.C. 3093(e)).

"(2) An authorization for the provision of support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States special operations forces are not otherwise legally authorized to conduct themselves.

"(3) The conduct or support of activities, whether directly or indirectly, that are inconsistent with the laws of armed conflict.

"(e) Limitation on Delegation.—The authority to provide support shall not be delegated.

"(f) Construction of Authority.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

"(1) The conduct of a covert action, as such term is defined in section 5(b) of the National Security Act of 1947.

"(2) The support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States special operations forces are not otherwise legally authorized to conduct themselves.

"(g) Programmatic and Policy Oversight.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight within the Office of the Secretary of Defense for support to irregular warfare operations authorized by this section.

"(h) Biennial Reports.—(1) Not later than 120 days after the close of each fiscal year in which subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding fiscal year.

"(2) Not later than 180 days after the submission of each report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the fiscal year in which the report under this paragraph is submitted.

"(i) Each report required by this subsection shall include the following:

"(1) A summary of the ongoing irregular warfare operations authorized by this section, including budget details.

"(2) A description of the support provided by such foreign forces, irregular forces, groups, or individuals to United States special operations forces during such period.

"(3) The type of recipients that were provided support under this section during such period, including budget details.

"(f) The intended duration of support provided under this section during such period.

"(G) An assessment of the value of the support provided under this section during such period, including budget details.

"(H) The total amount obligated for support under this section in prior fiscal years, including budget details.

"(I) Irregular Warfare Defined.—In this section, the term ‘irregular warfare’ means activities in support of predetermined United States policy and military objectives, but includes direct or indirect support, provided through regular forces, irregular forces, groups, and individuals participating in competition between state and non-state actors short of traditional armed conflict.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1275 the following new item:

"1276. Support of special operations for irregular warfare."

SA 5660. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1276. DISCLOSURES OF FOREIGN GIFTS.

Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by striking ‘‘Whenever’’ and inserting ‘‘Except as provided in subsection (d), whenever’’;

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) Special Rules Relating to China-Affiliated Organizations.—

"(1) Enhanced Disclosures of Gifts and Contracts.—

"(A) In General.—Whenever any institution receives a gift from or enters into a contract with a China-affiliated organization, the value of which is $5,000 or more, considered alone or in combination with all other gifts from or contracts with that organization within a calendar year, the institution shall submit a disclosure report with the Secretary on January 31 or July 31, whichever is sooner.

"(B) Contents of Report.—Each report under this paragraph shall include—

"(1) the information described in subsection (b) and (c) (as applicable);
SEC. 1267. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM INFLUENCE AND OTHER SECURITY THREATS.

(a) In General.—Clause (iii) of section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) is amended—

(1) in subclause (I), by striking "or" at the end; and

(2) by adding at the end the following new subclause: "(II) to provide documented support to a defense or intelligence agency of the applicable country; or";

(b) Prohibition on Use of Funds.—

(1) in general funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 or any subsequent fiscal year for the Department of Defense for research, development, test, and evaluation may be provided to an entity that maintains a contract between the entity and an academic institution of the People’s Republic of China or the Russian Federation identified on the list developed under section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) by reason of being described in clause (ii) or (iii) of such section.

(2) Waiver.—The Secretary of Defense may waive paragraphs (1) and (2) with respect to an entity if the Secretary determines that such a waiver is appropriate.

SA 5662. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. PEACE AND TOLERANCE IN PALESTINIAN EDUCATION.

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

(1) In 2016 and 2017, the Palestinian Authority published a modified curriculum for school-aged children in grades 1 through 11.

(2) Textbooks used by the Palestinian Authority are required to give the Palestinian Authority content that encourages violence or intolerance toward other countries or ethnic groups, and presents problematic issues relating to neutrality or bias, including issues relating to maps and references to Jerusalem as the capital of Palestine.

(b) Sense of Congress.—It is the sense of Congress that the Palestinian Authority has not sufficiently eliminated from the curriculum used in schools in areas controlled by the Palestinian Authority content that encourages violence or intolerance toward other countries and ethnic groups.

(c) Report.—(1) In General.—The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report reviewing the curriculum used in schools in areas controlled by the Palestinian Authority or located in Gaza and controlled by any other entity—

(A) not later than 180 days after the date of the enactment of this Act; and

(B) during each of the 2 years following the submission of the initial report under subparagraph (A), not later than 90 days after the date on which a new school year begins for schools in areas controlled by the Palestinian Authority.

(2) Elements.—Each report required by paragraph (1) shall include the following:

(A) A determination as to whether the curriculum reviewed contains content that encourages violence or intolerance toward other countries or ethnic groups, and presents problematic issues relating to neutrality or bias, including issues relating to maps and references to Jerusalem as the capital of Palestine.

(B) An assessment of the steps the Palestinian Authority is taking to reform curriculum and to avoid containing content that encourages violence or intolerance toward other countries or ethnic groups.

(C) A detailed explanation of the reasons for reaching such determination.

(d) Other Security Threats.—Each report required by paragraph (1) shall also include an assessment of the steps the Palestinian Authority is taking to address the following:

(1) Accurate and misleading maps of the region.

(2) Veterans affairs.

(3) Inaccurate and misleading maps of the region.

(e) Undertaking.—In each report required by paragraph (1), the Secretary of State shall—

(1) describe the steps the Palestinian Authority is taking to address curriculum that encourages violence or intolerance toward other countries or ethnic groups;

(2) describe the steps the Palestinian Authority is taking to address curriculum containing content that presents problematic issues relating to neutrality or bias, including issues relating to maps and references to Jerusalem as the capital of Palestine;

(3) provide a detailed explanation of the reasons for determining that the Palestinian Authority is taking adequate steps to address the issues raised in the preceding 2 clauses; and

(4) if necessary, provide a detailed explanation of the reasons for determining that the Palestinian Authority is not taking adequate steps to address the issues raised in the preceding 2 clauses.

(f) Definition.—In this section, the term ‘Palestinian Authority curriculum’ means any curriculum used in schools in areas controlled by the Palestinian Authority.

SEC. 1256. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM INFLUENCE AND OTHER SECURITY THREATS.

(a) In General.—Clause (iii) of section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) is amended—

(1) in subclause (I), by striking "or" at the end; and

(2) by adding at the end the following new subclause: "(II) to provide documented support to a defense or intelligence agency of the applicable country; or";

(b) Prohibition on Use of Funds.—

(1) in general funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 or any subsequent fiscal year for the Department of Defense for research, development, test, and evaluation may be provided to an entity that maintains a contract between the entity and an academic institution of the People’s Republic of China or the Russian Federation identified on the list developed under section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) by reason of being described in clause (ii) or (iii) of such section.

(2) Waiver.—The Secretary of Defense may waive paragraphs (1) and (2) with respect to an entity if the Secretary determines that such a waiver is appropriate.

SA 5663. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for...
other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1259. REPORT ON ISLAMIC REVOLUTIONARY GUARD CORPS-AFFILIATED OPERATIVES ABROAD.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes a detailed description of—

(1) all operatives affiliated with the Islamic Revolutionary Guard Corps who serve in diplomatic and consular posts abroad; and

(2) all the operational assets with which the Department of State and the Department of Defense are working with partner countries to inform such countries of the threat posed by such operatives in third-party countries.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

SA 5665. Mr. Kennedy submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed for himself and Mr. Inhofe and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection D of title XXXI of division C, add the following:

SEC. 313. PRICING PREFERENCE FOR DOMESTIC ENTITIES IN SALE OF DRAWDOWNS FROM STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—Section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232) is amended—

(1) in subsection (a)—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6), (8), (9), and (11) as paragraphs (5), (6), (7), and (9), respectively;

(C) in each of paragraphs (3) through (9) (as so redesignated) by inserting a paragraph heading, the text of which comprises the term defined in the paragraph;

(D) by inserting after paragraph (3) (as so redesignated) the following:

"(4) QUALIFIED BIDDER.—The term 'qualified bidder' means an individual or entity that—"

(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 1605B;

(B) meets such criteria as the Secretary determines to be appropriate to participate in that sale;" and

(2) in subsection (b)—

(A) by striking the subsection designation, (1), (2), or (3), and

(B) by inserting after paragraph (9), as so redesignated, the following:

"(10) The provision of material support or resources for any activity described in paragraphs (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state."

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropria tion (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state." shall mean the following:

(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.

(2) Unauthorized access to confidential, electronic stored information located in the United States.

(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

(5) The provision of material support or resources for any activity described in paragraph (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state.

(c) APPLICATION.—This section and the amendments made by this section shall apply to any action pending on or filed on or after the date of the enactment of this Act.

SA 5664. Mr. Kennedy submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed for himself and Mr. Inhofe and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1103. REPORT ON ISLAMIC REVOLUTIONARY GUARD CORPS-AFFILIATED OPERATIVES ABROAD.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes a detailed description of—

(1) all operatives affiliated with the Islamic Revolutionary Guard Corps who serve in diplomatic and consular posts abroad; and

(2) all the operational assets with which the Department of State and the Department of Defense are working with partner countries to inform
(e) EVALUATION; TEST DRAWDOWNS.—

(1) EVALUATION.—The Secretary shall con-
duct a continuing evaluation of the draw-
down and sales procedures under this sec-
tion, including the determination of the pricing preference for domestic entities under sub-
section (d).

(2) TEST DRAWDOWNS.—In conducting an evaluation of paragraphs (1), (2), (3) and (4) of section 160(b), the Secretary may carry out a test drawdown and sale or exchange of petroleum products from the Reserve, subject to the condition that such a drawdown and sale or exchange shall be prohibited.

(b) In paragraph (4), by inserting ‘‘subject to the condition that pricing preference may be provided to domestic entities in accordance with subsection (d), as the Secretary determines to be appropriate’’ before the period at the end;

(C) by inserting paragraph (6) appropri-
ately; and

(D) by striking subparagraph (A) and (B) appropriately; and

(E) in subparagraph (D), by striking the comma at the end and inserting a period;

(2) TEST DRAWDOWNS.—In conducting a

study of the effect of providing pricing preference in accordance with section 160(d), the Secretary may carry out a test drawdown and sales procedures under this section (d).

(3) In subsection (e), by striking ‘‘subject to

the condition that pricing preference may be provided to domestic entities in accordance

with subsection (d), as the Secretary determines to be appropriate’’ before the period at the end;

(b) by striking paragraph (5) and insert-
ing the following:

‘‘(5) TEST DRAWDOWNS.—The Secretary shall, subject to the condition that pricing preference may be provided to domestic entities in accordance with subsection (d), carry out a test drawdown and sales procedures under this section (d), as the Secretary determines to be appropriate.’’

(4) The Secretary may carry out a test drawdown and sales procedures under this section (d).
Association (collectively referred to as the “World Bank”), the International Monetary Fund, and other international financial institutions to create lending conditions that are favorable, as compared to the lending conditions offered by the Government of the People’s Republic of China, for countries that are eligible for loans from the International Bank for Reconstruction and Development, or both.

(b) Definitions.—In this section:

(1) Appropriation.—The term “appropriation” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) International financial institution.—The term “international financial institution” has the meaning given that term in section 1709(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301, line 440 for the Office of the Secretary of Defense, as specified in the corresponding funding table in section 4301, is hereby increased by $5,000,000.

(b) Use of funds.—Of the amounts additional to be appropriated under subsection (a), $5,000,000 shall be available for the Skillbridge program under section 245 of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

(c) Offsets.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, line 470, as specified in the corresponding funding table in section 4301, is hereby reduced by $5,000,000.

SA 5672. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1254. REPORT ON USE OF SPECIAL DRAWING RIGHTS BY COUNTRIES PARTICIPATING IN THE BELT AND ROAD INITIATIVE OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on how Special Drawing Rights of the International Monetary Fund are being used by countries participating in the Belt and Road Initiative of the People’s Republic of China, including an assessment of whether those countries are using Special Drawing Rights to pay off debt to the People’s Republic of China.

(b) Appropriation. Committee.—In this section, the term “appropriate congressional committee” means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 5668. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301, line 440 for the Office of the Secretary of Defense, as specified in the corresponding funding table in section 4301, is hereby increased by $5,000,000.

(b) Use of Funds.—Of the amounts additional to be appropriated under subsection (a), $5,000,000 shall be available for the Skillbridge program under section 245 of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

(c) Offsets.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, line 470, as specified in the corresponding funding table in section 4301, is hereby reduced by $5,000,000.

SA 5671. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301, line 440 for the Office of the Secretary of Defense, as specified in the corresponding funding table in section 4301, is hereby increased by $5,000,000.

(b) Use of Funds.—Of the amounts additional to be appropriated under subsection (a), $5,000,000 shall be available for the Skillbridge program under section 245 of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

(c) Offsets.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, line 470, as specified in the corresponding funding table in section 4301, is hereby reduced by $5,000,000.

SA 5673. Mr. COONS (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301, line 440 for the Office of the Secretary of Defense, as specified in the corresponding funding table in section 4301, is hereby increased by $5,000,000.

(b) Use of Funds.—Of the amounts additional to be appropriated under subsection (a), $5,000,000 shall be available for the Skillbridge program under section 245 of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

(c) Offsets.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, line 470, as specified in the corresponding funding table in section 4301, is hereby reduced by $5,000,000.

SA 5674. Mr. TILLIS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301, line 440 for the Office of the Secretary of Defense, as specified in the corresponding funding table in section 4301, is hereby increased by $5,000,000.

(b) Use of Funds.—Of the amounts additional to be appropriated under subsection (a), $5,000,000 shall be available for the Skillbridge program under section 245 of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

(c) Offsets.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, for Washington Headquarters Services, line 470, as specified in the corresponding funding table in section 4301, is hereby reduced by $5,000,000.
the Department of Energy, to prescribe
military personnel strengths for such
fiscal year, and for other purposes;
which was ordered to lie on the table;
as follows:

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

SEC. 575. VERIFICATION OF REPORTING OF ELIGIBLE FEDERALLY CONNECTED CHILDREN FOR PURPOSES OF FEDERAL IMPACT AID PROGRAMS.

(a) Certification.—On an annual basis, each commander of a military installation under the jurisdiction of the Secretary of a military department shall submit to such Secretary a written certification verifying whether the commander has confirmed the information contained in all impact aid source check forms received from local educational agencies as of the date of such certification.

(b) Report.—Not later than June 30 of each year, each Secretary of a military department shall submit to the congressional defense committees a report, based on the information received under subsection (a), that identifies—

(1) each military installation under the jurisdiction of such Secretary that has confirmed the information contained in all impact aid source check forms received from local educational agencies as of the date of the report; and
(2) each military installation that has not confirmed the information contained in such forms as of such date.

SEC. 576. IMPROVING PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

(a) In General.—Section 2 of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016 (Public Law 114–294; 38 U.S.C. 8103 note) is amended—

(1) in subsection (b)(1)(A), by inserting “or for which funds are available from the Construction, Minor Projects, or Construction, Major Projects appropriations accounts”;
(2) in subsection (e)(1)—
(A) in subparagraph (A)—
(i) by striking “The Secretary” and inserting “Except as otherwise provided in this paragraph, the Secretary”;
(ii) by striking “or funds already generally available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts after ‘that are in addition to the funds appropriated for the facilities’”;
(B) in subparagraph (B), by striking “subparagraph (A)” and inserting “this paragraph”;
(C) by redesignating subparagraph (B) as subparagraph (F); and
(D) by inserting after subparagraph (A) the following new subparagraphs:

“(B) UNOBLIGATED AMOUNTS.—The Secretary may provide additional funds to help an entity described in subsection (a)(2) finance, design, or construct a facility in connection with real property and improve a facility to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (b)(1)(B) if—
on the date of the enactment of this Act may be amended to incorporate terms authorized by subparagraphs (B) and (C) of section 200.40 of title 2, Code of Federal Regulations, as in effect on February 21, 2021.

(b) AMENDMENTS TO EXISTING AGREEMENTS.—The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

SEC. 50678. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (Saskatchewan and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection F of title V, add the following:

SEC. 50679. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title VII, add the following:

SEC. 50680. Mr. COONS (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 750. SENSE OF CONGRESS ON TUTION AS- SISTANCE FOR MEMBERS OF THE AIR NATIONAL GUARD AND RE- CONSTRUCTION, CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY.

SA 5678. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (Saskatchewan and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection F of title V, add the following:

SEC. 760. SENSE OF CONGRESS ON ACCESS TO MENTAL HEALTH SERVICES THROUGH TRICARE.

It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the Reserve Components of the Armed Forces, including members of the Reserve Components of the Armed Forces, and their families have timely access to mental and behavioral health care services through the TRICARE program.

It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the Reserve Components of the Armed Forces, including members of the Reserve Components of the Armed Forces, and their families have timely access to mental and behavioral health care services through the TRICARE program.

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It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the Reserve Components of the Armed Forces, including members of the Reserve Components of the Armed Forces, and their families have timely access to mental and behavioral health care services through the TRICARE program.

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It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the Reserve Components of the Armed Forces, including members of the Reserve Components of the Armed Forces, and their families have timely access to mental and behavioral health care services through the TRICARE program.

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It is the sense of Congress that the Defense Health Agency should take all necessary steps to ensure members of the Reserve Components of the Armed Forces, including members of the Reserve Components of the Armed Forces, and their families have timely access to mental and behavioral health care services through the TRICARE program.
maintain children’s advocacy centers in their State”;

(ii) in paragraph (4)(B)—

(I) in clause (ii), by striking “and” at the end;

(II) in by redesignating clause (iv) as clause (v); and

(III) by inserting after clause (ii) the following:

“(iv) best result in supporting chapters in each State; and”;

and

(iv) in paragraph (6), by inserting “under this Act’s authorities:”;

(5) in section 214A (34 U.S.C. 33094)—

(A) by striking subsection (a) and inserting the following:

“(a) In General.—The Administrator shall make grants to—

(1) establish and maintain a network of care for children who are abuse victims where investigation, prosecution, and interventions are continually occurring and coordinating activities within local children’s advocacy centers; and multidisciplinary teams:—

“(2) develop, enhance, and coordinate multidisciplinary child abuse investigations, intervention, and prosecution activities;—

“(3) at effective delivery of the evidence-based, trauma-informed Children’s Advocacy Center Model and the multidisciplinary child abuse; and—

“(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapters in the delivery of medical and emotional child abuse intervention teams organizational capacity and operations in order to meet such practice standards and best practices. ”;

(B) in subsection (b), by striking “in coordination with the Office of the Director of the Office of Victims of Crime,”;

(C) in subsection (c)(2)—

(i) in subparagraph (C), by inserting “to the greatest extent practicable, but in no case later than 72 hours,” after “hours”; and

(ii) by striking subparagraphs (D) through (I) and inserting the following:

“(D) Forensic interviews of child victims by trained personnel that are used by law enforcement, health, and child protective service agencies to interview suspected abuse victims about allegations of abuse.

“(E) Provision of needed follow up services such as medical care, mental healthcare, and victim advocacy services.

“(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children’s advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, intervention, and service teams.

“(G) Coordination of each step of the investigatory process to eliminate duplicative forensic interviews with a child victim.

“(H) Designation of a director for the children’s advocacy center.

“(I) Designation of a multidisciplinary team coordinator.

“(J) Assignment of a volunteer or staff advocate to each child in order to provide the child and, when appropriate, the child’s family, throughout each step of intervention and judicial proceedings.

“(K) Coordination with State chapters to assist and provide oversight, and organizational capacity that supports local children’s advocacy centers through multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

“(L) Such other criteria as the Administrator shall prescribe.

and

(D) by striking subsection (f) and inserting the following:

“(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN’S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a minimum of 90% of grantees to enable State chapters to provide oversight, training, and technical assistance to local centers on evidence-informed initiatives including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.:

“(1) in paragraph (l), by striking “attorneys and other allied” and inserting “prosecutors and other attorneys and allied”;

“(ii) in paragraph (m), by inserting “Center” after “Advocacy”;

and

“(b) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

“(A) a significant connection to prosecutors who handle child abuse cases in State courts, such as a membership organization or support service providers; and”;

and

“(b) in paragraph (6), by inserting “under this Act’s authorities:”.

SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out sections 213, 214, and 214A, $40,000,000 for each of fiscal years 2023 through 2028.”

Title 21B—Driving for Opportunity

SEC. 01. SHORT TITLE.

This title may be cited as the “Driving for Opportunity Act of 2021”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) Driving a vehicle is an essential aspect of the daily lives of most people in the United States.

(2) Driving is often required to access jobs and healthcare, take care of family, get groceries, and fulfill other basic responsibilities.

(3) Driving a vehicle is an essential aspect of daily life for people with disabilities and those living with chronic or recurring health conditions.

(4) Even in cities with public transportation and other options, individuals are often trapped within the system as a whole.

(5) The suspension results in increased costs and restrictions associated with obtaining auto insurance on a suspended license, thereby placing a greater financial burden on other drivers when a driver with a suspended license causes an accident.

(6) The suspension results in increased.

(7) The suspension results in increased.

(8) The suspension results in increased.

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(21) The suspension results in increased.
financial obligations through new requirements such as reinstatement fees, court costs, and other penalties. While there is a clear societal interest in keeping those who are unfit to drive off the roads, broadly restricting licenses for violations unrelated to an individual’s ability to drive safely may do more harm than good. This is especially true in areas of the country that lack alternative means of transportation. For those individuals, a valid driver license can be a means to survive. Local communities, employers, and employees suffer negative consequences as a result of social non-conformity suspicions, including unemployment, lower wages, fewer employment opportunities and hiring choices, and increased insurance costs.’’

(22) A report by the Harvard Law School Criminal Justice Policy Program concluded the following: ‘‘The suspension of a driver’s or professional license is one of the most pervasive poverty traps for poor people assessed a fine they cannot afford to pay. The practice is widespread. Nearly 40 percent of license suspensions nationwide stem from unpaid fines, missed child support payments, and drug or alcohol-related arrests from unsafe or intoxicated driving or failing to obtain automotive insurance. Suspension of a driver’s or professional licenses is hugely counterproductive; it punishes non-payment by taking away a person’s means for making a living. License suspension programs are also expensive for States to run and they distract law enforcement resources related to public safety. License suspensions may also be unconstitutional if the license was suspended before the judge determined the defendant had the ability to pay the criminal justice debt.’’

SEC. 03. GRANTS FOR DRIVER’S LICENSE REINSTATEMENT PROGRAMS


(1) in section 102 (34 U.S.C. 10152), by adding at the end the following:

‘‘(3) GRANTS FOR DRIVER’S LICENSE REINSTATEMENT PROGRAMS.—’’

‘‘(A) IN GENERAL.—In addition to grants made under paragraph (1), the Attorney General may make grants to States described in subparagraph (B) for driver costs incurred by the State to restate or renew driver’s licenses or motor vehicle registrations previously suspended, revoked, or failed to be renewed for unpaid civil or criminal fines or fees.

(B) STATES DESCRIBED.—A State described in this subparagraph is a State that—

(i) does not have in effect any State or local law that permits—

(I) the suspension or revocation of, or refusal to renew, a driver’s license of an individual’s failure to pay a civil or criminal fine or fee; or

(ii) the refusal to renew the registration of a motor vehicle based on the owner’s failure to pay a civil or criminal fine or fee;

(ii) during the 3-year period ending on the date on which the State applies for or receives a grant under this paragraph, has repealed a State or local law that permitted the suspension or revocation of, or refusal to renew, driver’s licenses or the registration of a motor vehicle based on the failure to pay civil or criminal fines or fees.

(C) CRITERIA.—The Attorney General shall award grants under this paragraph to States described in subparagraph (B) that submit a State or local plan for renewing suspended or revoked driver’s licenses or motor vehicle registrations previously suspended, revoked, or failed to be renewed for unpaid civil or criminal fines or fees—

(i) to maximize the number of individuals with suspended or revoked driver’s licenses or motor vehicle registrations eligible to have driving privileges reinstated or re- gained;

(ii) to provide assistance to individuals living in areas with large uninsured populations;

(iii) to implement workable strategies that facilitate the availability of reinstatement options; and

(iv) to provide assistance to individuals living in areas with large uninsured populations.

D. AMOUNT.—Each grant awarded under this subparagraph shall not be greater than $10,000,000 for each of fiscal years 2022 through 2025.

(c) GAO STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the implementation of the grant program in paragraph (3) of section 501(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(a)), as added by section 03(a) of this title, that—

(i) includes what is known about the impact of reinstating State laws, in selected States, that had permitted the suspension or revocation of, or refusal to renew, driver’s licenses or the registration of a motor vehicle based on the failure to pay civil or criminal fines or fees, including such factors, to the extent information is available, as—

(A) the nature and extent of the suspensions and fees;

(B) the usage of law enforcement resources;

(C) economic mobility and unemployment;

(D) rates of enforcement of traffic safety laws and the number of summonses and violations issued (including those related to automated enforcement technologies); and

(E) the use of suspensions for public safety-related reasons (including reckless driving, speeding, and driving under the influence);

(b) REPORT.—Not later than 1 year after the date on which a grant is made to a State under this paragraph, the State shall submit to the Attorney General a report that describes the actions of the State to carry out activities described in subparagraph (A), including with respect to—

(i) the population served by the program;

(ii) the number of driver’s licenses and motor vehicle registrations reinstated or renewed under the program; and

(iii) all costs to the State of the program, including how the grants under this paragraph were spent to defray such costs.’’; and

(2) in section 501 (34 U.S.C. 10151), by striking—

‘‘(a) STATION.—The Comptroller General of the United States shall award grants to eligible entities—

(i) to maximize the number of individuals with suspended or revoked driver’s licenses or motor vehicle registrations eligible to have driving privileges reinstated or regained;

(ii) to provide assistance to individuals living in areas with large uninsured populations;’’

and

(b) DRIVER’S LICENSE REINSTATEMENT PROGRAMS.—‘‘There is authorized to be appropriated to carry out section 501(a)(3) $10,000,000 for each of fiscal years 2022 through 2025.’’

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ‘‘Madeleine K. Albright Democracy in the 21st Century Act’’.
SEC. 1283. PROGRAM PRIORITIZATION AND DEMOCRACY STRATEGY.

(a) PROGRAM PRIORITIZATION.—As the global landscape evolves and advancing democratic principles, the United States Government should prioritize democracy programs that—

(1) align and are coordinated with diplomatic and security strategies for a given country or region;

(2) advance democracy worldwide, including during a country’s transition to democracy and the consolidation of democracy following such a transition, and address democratic backsliding in a country;

(3) support democracy and democratic voices in closed and repressive societies, including those defending the exercise of civil and political rights;

(4) counter the malign influence of the People’s Republic of China, the Russian Federation, and other authoritarian governments;

(5) counter corruption and kleptocracy, including by enhancing transparent, accountable, and responsive governance;

(6) promote and protect independent media, civil society activists, writers, artists, and intellectuals;

(7) counter misinformation and disinformation, but especially in the digital domain;

(8) counter authoritarian abuse of technology, and prevent manipulation—especially through digital means—of elections, electoral data, and critical electoral infrastructure;

(9) combat digital authoritarianism, including the use of the Internet and other digital technologies to restrict the exercise of civil and political rights;

(10) promote internet freedom and the use of technology consistent with civil and political liberties;

(11) counter transnational repression and the extraterritorial extension of repressive measures, as well as the increasing use of arbitrary detention;

(12) respond rapidly to democratic openings or backsliding, and adapt to evolving dynamics on the ground;

(13) promote civic education, voter education, and enhanced citizen participation in democratic processes;

(14) advance civil and political rights of religious and ethnic minorities;

(15) seek to ensure the integrity of elections abroad; and

(16) assist and promote democracy partnerships to maximize support to a country where a democratic opening is underway or the respective government is a genuine partner for reform.

(b) STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive strategy to promote democracy abroad that is informed by extensive consultations with the local actors impacted by such programs. The strategy shall encompass a whole of government approach to such efforts, and include detailed information on funding, goals and objectives, and oversight.

SEC. 1284. BENEFICIARIES.—(a) Funds that are made available by this subtitle for the National Endowment for Democracy are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98-164), including all decisions concerning the use of such funds by the endowment.

(b) RESTRICTIONS ON FOREIGN GOVERNMENT INTERFERENCE.—

(1) PROHIBITION.—With respect to the provision of assistance for democracy programs by relevant Federal departments and agencies, the organizations implementing such assistance, the specific nature of such assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country.

(2) DISCLOSURE OF IMPLEMENTING PARTNER INFORMATION.—If the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, determines that the government of a country is undemocratic or has engaged in gross violations of civil and political rights, any new bilateral agreement governing the terms and conditions under which assistance is provided to such a country shall not require the disclosure of the names of democracy programs and the implementing partners.

(3) PROTECTING IMPLEMENTING PARTNERS.—

(A) IN GENERAL.—Where it is determined by the Secretary of State, in consultation with the USAID Administrator, that a country is undemocratic or has engaged in gross violations of civil and political rights, the names of implementing persons and organizations of democracy activities and programs supported by the Department of State, USAID, or NED shall not be required under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(B) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the USAID Administrator shall submit a report to the appropriate congressional committees on the uses of the authority provided in paragraph (1) on a case-by-case basis, which shall be updated every 180 days thereafter.

(C) INFORMATION SHARING.—The Secretary of State and the USAID Administrator shall regularly inform such agencies and organizations of democracy programs that are planned and supported by the NED, consistent with the requirements of section 506(b) of the National Endowment for Democracy Act (22 U.S.C. 4413(g)).

(D) DIGITAL SECURITY.—Democracy programs supported by funds authorized to be made available by this subtitle should include a component on digital security to enhance the security and safety of implementers and beneficiaries, including, as appropriate, security of social media organizations to counter government surveillance, censorship, and repression by digital means.

(E) AUDITS.—Section 506(g) of the National Endowment for Democracy Act (22 U.S.C. 4413(g)) is amended by striking “United States Information Agency” and inserting “Department of State Office of Inspector General”.

SEC. 1285. ESTABLISHMENT OF THE DEMOCRACY ACT IN THE 21ST CENTURY FUND.

(a) ESTABLISHMENT.—Pursuant to the authority established in the Treasury of the United States a fund to be known as the “Democracy in the 21st Century Fund” (referred to as “the Fund”), to be administered by the Secretary of State, following consultation with the Administrator of the United States Agency for International Development and the appropriate congressional committees, consisting of amounts authorized to be appropriated by section 1206, to advance the comprehensive strategy identified in subsection (c), including the programs of the Department of State, USAID, and the National Endowment for Democracy described in subsections (b), (c), (d), and (e).

(b) DEFENDING DEMOCRACY GLOBALLY.—The Secretary of State, in coordination with the USAID Administrator and in consultation with the appropriate congressional committees, shall establish a program to defend democracy globally by—

(1) strengthening and enhancing the Department of State and USAID’s ability to respond quickly and flexibly to democratic openings and backsliding;

(2) assisting fledgling and struggling democracies deliver services and meet expectations for their populations, in consultation and coordination with the governments of such democracies, in order to establish and maintain democratic backstopping efforts by authoritarian governments to surveil, censor, or otherwise repress populations by digital means, including through programs that—

(A) counter disinformation;

(B) establish an initiative to help countries around the world implement governing regulations for the procurement and use of technology consistent with civil and political rights;

(C) provide “digital public goods” to reduce the appeal of authoritarian-leaning technologies to cash strapped countries;

(D) provide education on digital literacy to key populations; and

(E) support the ongoing prioritization of democratic values in technological development in the years to come;

(5) establishing international coalitions of governmental and nongovernmental actors dedicated to coordinating messaging, technical assistance programming, and rules-based governance approaches related to issues that impact democracy, particularly coalitions focused on—

(A) preserving election integrity by assisting elections to meet coalition-defined standards of electoral integrity and deter- railing or combating external influence in elec- tions abroad, including cyber intrusion, disinformation, and other threats; and

(B) protecting supply chains from being tainted by the products of forced labor; and

(6) supporting human rights defenders, democracy advocates at risk, writers, artists, and intellectuals, including those defending the exercise of civil and political rights, particularly those who are oe in their home countries so that they can safely continue their activism in exile.
(c) COMBATING CORRUPTION AND KLEPTOCRACY.—The Secretary of State, in coordination with the USAID Administrator and in consultation with the appropriate congressional committees, shall establish a program to support efforts by foreign governments, civil society, and the private sector to combat corruption and kleptocracy abroad through efforts that—

(1) enhance government transparency, accountability, and responsiveness across relevant sectors;

(2) expand detection and exposure of corruption crimes, including those that cross borders, improve citizen oversight and advocacy, protect free expression and civic activism, and incentivize investigative journalism and media independence;

(3) expand investigations and prosecutions of corrupt acts and hold corrupt actors accountable, and assist in the adoption and implementation of anticorruption preventive measures and promotion of good governance and public administration;

(4) build effective, impartial judiciaries;

(5) address corruption in key sectors;

(6) strengthen democratic norms and institutional integrity, protect human rights, and labor, except for funds authorized to be appropriated by paragraph (1), there is authorized to be appropriated $340,700,000 for each of fiscal years 2023 through 2027 for the Department of State, USAID, and the National Endowment for Democracy.

SEC. 1286. ROLES AND RESPONSIBILITIES.

Funds authorized to be appropriated pursuant to section 1287 should be made available to support a wide range of initiatives or programs with the overall strategic direction and capabilities of the Department of State and the United States Agency for International Development:

(1) For Department of State, such funds should be the responsibility of the Assistant Secretary of State for Democracy, Human Rights, and Labor, except for funds provided to the NED. Such funds shall be made available as grants and should have as their primary purpose democracy programs that are incorporated into a larger diplomatic strategy that are flexible, innovative, and responsive to—

(A) current human rights abuses and democracy deficiencies as documented in the Department of State, the Bureau of Democracy, Human Rights, and Labor, and the USAID.

(B) emerging opportunities and sudden crises.

(2) For USAID, such funds should have as their primary purpose flexible, innovative, and responsive democracy programs that are development-oriented, often coordinated through a Country Development Cooperation Strategy, and conducted in countries where a USAID Mission in a neighboring country can manage and oversee such programs effectively. Such programs should, as appropriate, build enduring local capacity, incorporate democracy programming into a larger development and diplomatic strategy, and emphasize participatory and locally led programs when possible. Funds made available for civil society and political competition and consensus building programs abroad shall be provided in a manner that recognizes the importance of cooperative agreements in implementing such programs.

(3) In cases where both the Department of State and USAID are able to respond to emergency funding crises, including in closed and repressive societies, the Secretary of State and the USAID Administrator shall coordinate their respective programs, including at the country level, to ensure complementarity and prevent waste or redundancy.

SEC. 1287. AUTHORIZATION OF APPROPRIATIONS.

(a) PROGRAMS.—

(1) IN GENERAL.—There is authorized to be appropriated for Democracy programs of the Department of State, the Bureau of Democracy, Human Rights, and Labor, and the United States Agency for International Development in each of fiscal years 2023 through 2027, $2,900,000,000, to remain available until expended.

(2) DEMOCRACY IN THE 21ST CENTURY FUND.—Of the funds authorized to be appropriated by paragraph (1), the following amounts are authorized to be appropriated in each of fiscal years 2023 through 2027 for the Democracy in the 21st Century Fund established under section 1285:

(A) $20,000,000 in each such fiscal year is authorized to be appropriated for the Leadership Fellows Program to provide additional fellowships for democracy advocates at risk.

(B) $50,000,000 in each such fiscal year is authorized to be appropriated for the Combating Corruption and Kleptocracy program under section 1285(c).

(C) $15,000,000 in each such fiscal year is authorized to be appropriated for the Freedom of the Press Foundation's Freedom of the Press Act program under section 1285(d), which shall be allocated equally between the Department of State, USAID, and the National Endowment for Democracy.

(D) $5,000,000 in each such fiscal year is authorized to be appropriated for the Reagan-Fascell Democracy Fellows Program for additional fellowships for democracy advocates at risk.

(3) DEMOCRACY FUND.—

(A) IN GENERAL.—Of the funds authorized to be appropriated by paragraph (1), there is authorized to be appropriated $350,700,000 for each of fiscal years 2023 through 2027 to carry out activities under part 1 and chapter 4 of title 31, United States Code.

(B) ADDITIONAL AMOUNTS.—Funds authorized to be made available to the Department of State, the Bureau of Democracy, Human Rights, and Labor, the USAID, and the National Endowment for Democracy under this section are in addition to amounts otherwise authorized to be appropriated by this subtitle for such purposes.

(b) RESTRICTIONS.—Federal funds made available to any individual, private entity, or any other nonprofit organization pursuant to this subtitle shall be subject to the restrictions and prohibitions of section 1352 of title 31, United States Code.

(c) ADMINISTRATION OF DEPARTMENT OF STATE DEMOCRACY PROGRAMS.—Of the funds authorized to be appropriated by section 1287, not more than $10,000,000 may be administered by the USAID Administrator.

(d) ADMINISTRATION OF USAID DEMOCRACY PROGRAMS.—Of the funds authorized to be
appropriated by this section that are made available for USAID, up to 15 percent may be made available for the administration of democracy programs by the agency in each of fiscal years 2021 through 2027, including for the hiring of additional personnel following consultation with the appropriate congressional committees. Such funds are in addition to or otherwise made available for such purposes.

(e) NATIONAL ENDOWMENT FOR DEMOCRACY.—In addition to amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated for NED $325,000,000 for fiscal year 2023, $350,000,000 for fiscal year 2024, $375,000,000 for fiscal year 2025, $400,000,000 for fiscal year 2026, and $425,000,000 for fiscal year 2027, including amounts to be allocated in the traditional and customary manner, to counter transnational threats to democracy, as well as to support and sustain democratic growth abroad, consistent with section 503 of the National Endowment for Democracy Act (22 U.S.C. 4412).

SA 5683. Mr. COONS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. SENSE OF SENATE ON ARMED SERVICES WHOLE ASSEMBLED PROCESSING LABORATORY-EAST.

It is the sense of the Senate that the Senate—

(1) supports the plans by the Defense Health Agency to construct a modern ASWBL-East facility at Dover Air Force Base, Delaware; and

(2) urges the Secretary of Defense to include ASWBL-East construction as a priority in the Future Years Defense Program for fiscal year 2024.

SA 5684. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. REPEAL OF AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ.

(a) AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION.—The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1; 106 Stat. 5; 50 U.S.C. 1341 note) is hereby repealed.


SA 5685. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. LIMITATION ON WITHDRAWAL FROM NORTH ATLANTIC TREATY.

(a) OPPOSITION OF CONGRESS TO SUSPENSION, TERMINATION, DENUNCIATION, OR WITHDRAWAL FROM NORTH ATLANTIC TREATY.—The President shall not suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, except by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur, or pursuant to an Act of Congress.

(b) LIMITATION ON THE USE OF FUNDS.—No funds authorized or appropriated by any Act may be used to support, directly or indirectly, any efforts on the part of any United States Government agency to take steps to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, until such time as both the Senate and the House of Representatives pass, by an affirmative vote of two-thirds of Members, a joint resolution approving the withdrawal of the United States from the treaty or pursuant to an Act of Congress.

(c) NOTIFICATION OF TREATY ACTION.—

(1) CONSULTATION.—Prior to the notification described in paragraph (2), the President shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in relation to any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, as soon as possible but in no event later than 180 days prior to taking such action.

(2) NOTIFICATION.—The President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in writing of any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, as soon as possible but in no event later than 180 days prior to taking such action.

(d) AUTHORIZATION OF LEGAL COUNSEL TO REPRESENT CONGRESS.—Both the Senate Legal Counsel and the General Counsel to the House of Representatives are authorized to independently or collectively represent Congress in initiating or intervening in any judicial proceedings in any Federal court of competent jurisdiction in the United States, or any Federal court of competent jurisdiction on behalf of Congress in order to oppose any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty in a manner consistent with this section.

(e) REPORTING REQUIREMENT.—Any legal counsel operating pursuant to subsection (d) shall report as soon as practicable to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with respect to any judicial proceedings which the Senate Legal Counsel or the General Counsel to the House of Representatives, as the case may be, initiates or in which it intervenes pursuant to subsection (d).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize, imply, or otherwise indicate that the President may suspend, terminate, denounce, or withdraw from any treaty to which the Senate has provided its advice and consent without the advice and consent of the Senate to such act or pursuant to an Act of Congress.

SA 5686. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 845. REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR CERTAIN NAVAL VESSELS AND AUXILIARY SHIPS.

(a) REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR NAVAL VESSELS.—Section 4864(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(g) Ship shafts and propulsion system components (including engines, reduction gears and propellers)."

(b) REQUIREMENT THAT CERTAIN AUXILIARY SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

(1) TECHNICAL AMENDMENT.—Section 4864 of title 10, United States Code, is amended by redesignating subsection (a) as subsection (b) relating to "Implementation of auxiliary ship component limitation" as subsection (k).

(2) COMPONENTS FOR AUXILIARY SHIPS.—Paragraph (3) of section 4864(a) of title 10, United States Code, is amended to read as follows:

"(3) COMPONENTS FOR AUXILIARY SHIPS.—

(A) Large medium-speed diesel engines.

(B) Propulsion system components, including reduction gears and propellers."

(3) IMPLEMENTATION.—Subsection (k) of section 4864 of title 10, United States Code, as redesignated by paragraph (1), is amended to read as follows:

"(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—Subsection (a)(3) shall apply only with respect to contracts awarded by a Secretaries of Defense with this section for construction of a new class of auxiliary ship after the date of the enactment of this Act using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.

SA 5687. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.
7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 848. REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR CERTAIN NAVAL VESSELS AND SHIPS.

(a) ANCHOR AND MOORING CHAIN REFERENCE CORRECTION.—Section 4864 of title 10, United States Code, is amended—
(1) in subsection (a)(2)(F), by striking "shipboard"; and
(2) in subsection (b)(2), by striking "shipboard".

(b) REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR NAVAL VESSELS.—Section 4864(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(G) Ship shafts, electric power generators, propulsion system components (including engines, reduction gears, and propellers), electric propulsion motors, degaussing systems, power conversion equipment, rectifiers, frequency converters, inverters, machinery control, damage control, sensors, and programs for command, control, communications, computers, and intelligence (commonly known as 'C4I')."

(c) REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—
(1) TECHNICAL AMENDMENT.—Section 4864 of title 10, United States Code, is amended by redesignating subsection (1) (relating to "Implementation of auxiliary ship component limitation") as subsection (k).

(2) COMPONENTS FOR AUXILIARY SHIPS.—
Paragraph (3) of section 4864(a) of title 10, United States Code, is amended to read as follows:

"(3) COMPONENTS FOR AUXILIARY SHIPS.—Subject to subsection (k), the following components:

"(A) Large medium-speed diesel engines.

"(B) Engines, including pumps, for all shipboard services.

"(C) Propulsion system components, including engines, reduction gears, and propellers.

"(D) Shipboard cranes.

"(E) Spreaders for shipboard cranes.

(3) IMPLEMENTATION.—Subsection (k) of section 4864 of title 10, United States Code, as redesignated by subsection (a), is amended to read as follows:

"(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—
"(1) LARGE MEDIUM-SPEED DIESEL ENGINE.—
Subsection (a)(3)(A) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) or the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.

SA 5688. Mr. OSSOFF (for himself and Mr. Cramer) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed (for himself and Mr. Inhoffe) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. PROHIBITION ON COLLECTION OF COPIER OF PAYMENTS FOR FIRST THREE MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

(a) PROHIBITION ON COLLECTION.—
(1) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722B the following new section:

"§1722C. Copayments: prohibition on collection.

"(a) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by striking "shipboard" and inserting "shipboard.""

(b) REQUIREMENTS FOR THE PROCUREMENT OF CERTAIN COMPONENTS FOR NAVAL VESSELS.—Section 4864(a)(2) of title 10, United States Code, is amended—
(1) in subsection (b)(2), by striking "shipboard"; and
(2) in subsection (b)(2), by striking "shipboard".

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

SEC. 1077. PROHIBITION ON COLLECTION OF COPIER OF PAYMENTS FOR FIRST THREE MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

(a) PROHIBITION ON COLLECTION.—
(1) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722B the following new section:

"§1722C. Copayments: prohibition on collection.

"(a) IN GENERAL.—Subchapter III of chapter 17 of title 38, United States Code, is amended by striking "shipboard" and inserting "shipboard.""

(2) C LERICAL AMENDMENT.—The table of subchapters for chapter 17 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

"SECRETARY OF DEFENSE.—
"(A) Large medium-speed diesel engines.

"(B) Engines, including pumps, for all shipboard services.

"(C) Propulsion system components, including engines, reduction gears, and propellers.

"(D) Shipboard cranes.

"(E) Spreaders for shipboard cranes.

(3) IMPLEMENTATION.—Subsection (k) of section 4864 of title 10, United States Code, as redesignated by subsection (a), is amended to read as follows:

"(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—
"(1) LARGE MEDIUM-SPEED DIESEL ENGINE.—
Subsection (a)(3)(A) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) or the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.

SA 5688. Mr. OSSOFF (for himself and Mr. Cramer) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed (for himself and Mr. Inhoffe) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. WAIVER OF COST-SHARING FOR THREE MENTAL HEALTH OUTPATIENT VISITS UNDER THE TRICARE PROGRAM.

(a) TRICARE SELECT.—Section 1075(a)(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Consistent with other provisions of this chapter and under requirements to be prescribed by the Secretary, the Secretary may waive cost-sharing requirements for the first three outpatient mental health visits of a beneficiary each year.

(b) TRICARE PRIME.—Section 1075(a) of such title is amended by adding at the end the following new paragraph:

"(4) Consistent with other provisions of this chapter and under requirements to be prescribed by the Secretary, the Secretary may waive cost-sharing requirements for the first three outpatient mental health visits of a beneficiary each year.

SA 5690. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed (for himself and Mr. Inhoffe) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. HOUSING ACCOMMODATIONS FOR MILITARY FAMILIES ON HOUSING WAITLETS.

(a) WAITLET ACCOMMODATIONS.—The Secretary of Defense shall provide to members of the Armed Forces and their dependents who, when undergoing a permanent change of station, are placed on a waitlist for on-base housing for a period of more than 10 days following the date of arrival at the new location, temporary accommodations for the entire duration of such period appropriate for the total size and composition of the family of the member and at a rate not to exceed an allowance for housing calculated for such member under section 400 of title 37, United States Code.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—
(1) installation-specific data on the number of members of the Armed Forces and their dependents on military housing waitlists;
(2) an identification of the time spent by each such member and their dependents awaiting appropriate housing accommodations;
(3) an analysis of the factors that are creating the need for such waitlists; and
(4) an assessment of the causes of waitlist durations that exceed 10 days.

SA 5691. Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. Reed (for himself and Mr. Inhoffe) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction,
and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. UPGRADING THE STATUS OF TAIWAN UNDER THE ARMS EXPORT CONTROL ACT.

(a) SHORT TITLE.—This section may be cited as the "Taiwan Articles to Reinforce and Maintain Sovereignty Act" or the "Taiwan Arms Act".

(b) STATUS OF TAIWAN UNDER ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in section 3(b)(2), by inserting "the Government of Taiwan," before "or the Government of New Zealand";

(2) in section 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and 65(a)(2), by inserting "Taiwan," before "or New Zealand" each place it appears; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting "Taiwan," before "or Israel" each place it appears.

SA 5694. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. ADDITIONAL FUNDING FOR STEEL PERFORMANCE INITIATIVE.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by $1,000,000,000 for the Steel Performance Initiative.

SA 5695. Mr. CRUZ (for himself, Mr. MARCHALL, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

(3) appearances on programs of the Department of State and Department of Defense social media accounts promoting engagements with Taiwan.

SA 5693. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1259. CERTIFICATION REQUIREMENT FOR IMPOSING SANCTIONS WITH RESPECT TO MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.

Section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9502) is amended by adding at the end the following:

"(g) SPECIAL RULE FOR MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.—

"(1) In general.—During the 10-year period beginning on the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the President may not impose sanctions under this section with respect to a significant transaction described in subsection (a) engaged in by the government of a member of the Quadrilateral Security Dialogue before such date of enactment unless, before imposing such sanctions, the President certifies to the appropriate congressional committees that that government is not participating in quadrilateral cooperation between Australia, India, Japan, and the United States on security matters that are critical to United States strategic interests.

"(2) Member of the Quadrilateral Security Dialogue defined.—In this subsection, the term 'member of the Quadrilateral Security Dialogue' means Australia, India, Japan, or the United States.''

SA 5686. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. REPORT AND SANCTIONS RELATING TO OBLIGATIONS OF PEOPLE’S REPUBLIC OF CHINA UNDER TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that, as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons, the People’s Republic of China is obligated under Article VI of the treaty to pursue arms control negotiations in good faith.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act—

(1) if and when the People’s Republic of China that includes a determination of whether the Government of the People’s Republic of China has, during the year preceding submission of the report, pursued any measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament in accordance with such Article VI.

(2) If the President determines, on or after the date of the enactment of this Act—

(1) that the People’s Republic of China is not complying with its non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.
(2) is an individual who is corporate officer or principal shareholder of an entity described in paragraph (1); (3) knowingly provides significant financial, technological, or other support to a person described in paragraph (1) or (2); (4) knowingly provides goods or services in support of, or activity or transaction on behalf of or for the benefit of such a person. (d) EXCEPTION.—The President may not include in the review and assessment described in paragraph (2) any entity or entity described in subparagraph (A) or (B) of subsection (b), the President determines that the People’s Republic of China has “pursued(d) negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” pursuant to the obligations of the People’s Republic of China under article VI of the Nuclear Non-Proliferation Treaty during the period covered by the report. (e) DEFINITIONS.—In this section: (1) The term “knowingly,” with respect to conduct, a circumstance, or as a result, means that a person has actual knowledge, or should have known, of the conduct, circumstance, or result. (2) SDN LIST.—The term “SDN list” means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury. SA 5697. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1234. LIMITATION ON NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.**

(a) IN GENERAL.—The President shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate in, collaborate on, or coordinate bilaterally in any manner with respect to nuclear cooperation activities, or otherwise engage in nuclear cooperation with—

(A) the Government of the People’s Republic of China; or

(B) any company—

(i) owned by the Government of the People’s Republic of China; or

(ii) incorporated under the laws of the People’s Republic of China; or

(2) allow any agency of the United States Government to host official visitors at an facility belonging to such an agency if such visitors are—

(A) officials, corporate officers, or principal shareholders of any entity described in subparagraph (A) or (B) of paragraph (1); or

(B) individuals subject to undue influence by the individuals described in subparagraph (A) or (B) of paragraph (1).

(b) REVIEW OF PRIOR NUCLEAR COOPERATION AND ASSOCIATED IMPACTS.—

(1) AGREEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “National Academy”) to carry out the review and assessment described in paragraph (2) and submit the report described in paragraph (2).

(2) REVIEW AND ASSESSMENT.—

(A) IN GENERAL.—Under the agreement described in paragraph (1), the National Academy shall—

(i) conduct a review of nuclear cooperation during the 25-year period ending on the date of enactment of this Act between the United States Government and the People’s Republic of China, including the role of the Department of State in facilitating such cooperation; and

(ii) perform an assessment of the implications of the cooperation described in clause (i) on the national security of the United States.

(B) ELEMENTS.—In conducting the review and assessment under subparagraph (A), the National Academy shall—

(i) complete the review and assessment described in paragraph (2); and

(ii) submit a report containing the results of the review and assessment, which shall be unclassified but, if necessary, may contain a classified annex, to—

(A) the Secretary of State, and the National Academy enter into an agreement described in paragraph (1); and

(B) the National Academy shall—

(i) the Secretary; and

(ii) the appropriate congressional committees.

(c) PUBLICATION.—Not later than 60 days after the date on which the National Academy submits the report under paragraph (3), the Secretary shall make the report publicly available in an easily accessible electronic format, with appropriate redactions for information that, in the determination of the Secretary, would be damaging to the national security of the United States if disclosed.

(d) DEFINITIONS.—In this section:

(1) NUCLEAR COOPERATION.—The term “nuclear cooperation” means cooperation with respect to nuclear activities, including the development, use, or control of atomic energy, including any activities involving the processing or utilization of source materials, the transmutation of source materials, byproduct material, or special nuclear material (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)).

(2) NUCLEAR COOPERATION ACTIVITIES.—The term “nuclear cooperation activities” means activities relating to nuclear cooperation.

SA 5698. Mr. CRUZ (for himself, Mr. RISCH, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for
fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

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

SEC. 1276. REIMPOSITION OF SANCTIONS WITH RESPECT TO THE FARC.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the President shall—

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

(2) impose, with respect to FARC and any foreign person the President determines is an official, agent, or affiliate of FARC, the sanctions applicable with respect to a foreign person pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, or support terrorism).

(b) Determination Required.—

(1) In General.—Not later than 30 days after the date of the enactment of this Act, the President shall make the designation required by paragraph (1) of subsection (a) and imposes the sanctions required by paragraph (2) of that subsection, the President shall—

(A) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a determination regarding whether the foreign persons specified in paragraph (2) are officials, agents, or affiliates of the FARC; and

(B) impose the sanctions described in sub-section (a)(2) with respect to each such person the President determines is an official, agent, or affiliate of the FARC.

(c) Foreign Persons Specified.—The foreign persons specified in this paragraph are the following:

(1) Jose Benito Cabrera (also known as Jose Benito Cabrera Cuevas, El Mono Fabian, and Fabian Ramirez), born either July 6, 1963, or July 5, 1965, in El Paujil, Caqueta, Colombia.

(2) Erasmo Trasalvina Benavides (also known as Ismardo Murcia Lozada, Ismardo Murcia Lozada, and Jimmy Guerrero), born June 19, 1958, in Guacamay, Santander, Colombia.

(3) Emiro del Carmen Ropero Suarez (also known as Ruben Zamora), born September 2, 1954, in Monteria, Caldas, Colombia.

(4) Guillermo Enrique Torres Cuelter (also known as Julian Conrado), born August 17, 1954, in Tunja, Boyaca, Colombia.

(5) Rodrigo Granda Escobar (also known as Arturo Campos, Galgolinto, and Ricardo Gonzalez), born April 9, 1949, in Frontino, Antioquia, Colombia.


(7) Sandra Ramirez Lobo Silva (also known as Sandra Ramires Lobo Silva and Griselda Lobo), born in 1965 in Colombia.

SA 5701. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. DESIGNATION OF OSWALDO PAYÁ WAY.

(a) FINDINGS.—Congress finds that—

(1) the revolution led by Fidel Castro in Cuba in 1959 started 61 years of an ongoing dictatorship, systemic human rights abuses, and a lack of basic freedom of press, religion, assembly, and association that continue to this day under the Communist rule of Raúl Castro and his successor, Miguel Diaz-Canel;

(2) Oswaldo Payá Sardinas was a Cuban political dissident dedicated to promoting democratic freedoms and human rights in Cuba; and

(3) the Communist Party of Cuba has always viewed that commitment to democracy and freedom as a threat to the existence of the Communist Party of Cuba.

(b) ACTIVITIES DESCRIBED.—An activity described in this section is an activity in or with Iran with respect to which a waiver described in subsection (a) was issued in connection with the Joint Comprehensive Plan of Action, including the following:

(1) Modernization or redesign of the Arak heavy water reactor;

(2) Preparation or modification of centrifuge cascades at the Fordow facility for stable isotope production;

(3) Operations, training, or services related to the Bushehr Nuclear Power Plant, including fuel delivery and tanking operations;

(4) Transfer of uranium into or outside Iran, including natural uranium, enriched uranium, or nuclear fuel scrap;

(5) Transfer or storage of Iranian heavy water, inside or outside of Iran;

(c) JOINT COMPREHENSIVE PLAN OF ACTION DEFINED.—In this section, the term "Joint Comprehensive Plan of Action" means the Joint Comprehensive Plan of Action signed at Vienna on July 14, 2015, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action.

SA 5703. Mr. CRUZ (for himself and Mr. DURbin) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12.8. TERMINATION OF CERTAIN WAIVERS OF CERTAIN SANCTIONS WITH RESPECT TO NUCLEAR ACTIVITIES IN OR WITH IRAN.

(a) In General.—Effective on the date of the enactment of this Act, any waiver of the application of sanctions provided for under sections 1244, 1245, 1246, and 1247 of the Iran Freedom and Counter-Proliferation Act of 2012 (120 Stat. 3757) for or on behalf of Iran to enable an activity described in subsection (b) is terminated, and the President may not issue a new such waiver for such an activity on or after such date of enactment.

(b) Activities Described.—An activity described in this subsection is an activity in or with Iran with respect to which a waiver described in subsection (a) was issued in connection with the Joint Comprehensive Plan of Action, including the following:

(1) Modernization or redesign of the Arak heavy water reactor;

(2) Preparation or modification of centrifuge cascades at the Fordow facility for stable isotope production;

(3) Operations, training, or services related to the Bushehr Nuclear Power Plant, including fuel delivery and tanking operations;

(4) Transfer of uranium into or outside Iran, including natural uranium, enriched uranium, or nuclear fuel scrap;

(5) Transfer or storage of Iranian heavy water, inside or outside of Iran;
(7) the Communist Party of Cuba responded to the opposition by Oswaldo Payá to the invasion of Czechoslovakia by the Soviet Union by sending Oswaldo Payá to a labor camp for three years.

(8) Oswaldo Payá forewent a chance to escape Cuba in the 1980 Mariel boatlift, deciding instead to continue the fight for democracy in Cuba, saying: "This is what I am supposed to be, this is what I have to do.

(9) by creating the Varela Project in 1990, Oswaldo Payá demonstrated his staunch commitment to peaceful political change.

(10) in recognition of his determination for political reforms through peaceful protests, and calling on the Cuban government to allow an impartial, third-party investigation into the circumstances surrounding his death; and

(11) renaming the street in front of the Embassy of Cuba in the District of Columbia after Oswaldo Payá serves as an expression of solidarity between the people of the United States and the people of the Cuba, who are engaged in a long, nonviolent struggle for fundamental human rights.

(b) DESIGNATION OF OSWALDO PAYÁ WAY.—

(i) DESIGNATION OF WAY.—

(A) DESIGNATION.—The address of 2630 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, and designated as "Oswaldo Payá Way".

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to Oswaldo Payá Way.

(ii) ASSOCIATION.—

(A) DESIGNATION.—The address of 2630 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, shall be known and designated as "Oswaldo Payá Way".

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in subparagraph (A) shall be deemed to be a reference to 2630 Oswaldo Payá Way.

(iii) SIGNS.—The District of Columbia shall construct 2 street signs that shall—

(A) contain the phrase "Oswaldo Payá Way";

(B) be placed immediately above existing signs at the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia; and

(C) be similar in design to the signs used by the District of Columbia to designate the location of Metro stations.

SA 5704. Mr. CRUZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5702, Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2868. MODIFICATION OF INFRASTRUCTURE TO EXPEDITE THE DEPLOYMENT BY RAIL OF HEAVY ARMORED DIVISIONS AND ASSOCIATED EQUIPMENT FROM INSTALLATIONS OF THE ARMY TO NAVAL PORTS.

(a) IN GENERAL.—The Secretary of Defense shall modify or improve the infrastructure necessary to expedite the deployment by rail of heavy armored divisions and associated equipment from installations of the Army to naval ports in support of a large-scale conflict with a near-peer adversary, to ensure that installations of the Army that house armored divisions have a rail facility with multiple spurs to allow for the expedited deployment of troops and equipment.

(b) USE OF AMOUNTS.—The Secretary may expeditiously use funds of $150,000,000 to carry out the requirement under subsection (a).

SA 5707. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:
SEC. 1077. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE PURCHASES LEASING NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE.

(a) INCLUSION IN DEFINITION OF COVERED TRANSACTION.—Section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565a(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ""; and"" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ""; and""; and

(C) by adding at the end following:

""(vi) Notwithstanding clause (ii) or subparagraph (C), the purchase or lease by, or a conversion to, a foreign person of private or public real estate—

""(I) that is located in the United States and within 100 miles of a military installation (as defined in section 2801(c)(4) of title 10, United States Code); or

""(II) that is located in the United States and within 50 miles of a military installation (as defined in section 183a(h) of title 10, United States Code);

""(BB) airspace designated as special use airspace under part 73 of title 14, Code of Federal Regulations (or a successor regulation), and managed by the Department of Defense; or

""(CC) a controlled firing area (as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation)) used by the Department of Defense; or

""(DD) a military operations area (as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation)); and

""(II) if the foreign person is owned or controlled by, is acting for or on behalf of, or receives subsidies from—

""(aa) the Government of the Russian Federation; or

""(bb) the Government of the People’s Republic of China; or

""(cc) the Government of the Islamic Republic of Iran; or

""(dd) the Government of the Democratic People’s Republic of Korea; or

(b) MANDATORY UNILATERAL INITIATION OF REVIEWS.—Section 721(b)(1)(D) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(D)) is amended—

(1) in clause (ii), by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and by moving such items—

(i) in item (aa), by redesignating, 2 ems to the right;

(ii) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and by moving such subclauses, as so redesignated, 2 ems to the right; and

(iii) by striking ""Subject to"" and inserting the following:

""(I) in general.—Subject to;"" and

(4) by adding at the end following:

""(II) MANDATORY UNILATERAL INITIATION OF CERTAIN TRANSACTIONS.—The Committee shall initiate a review under subparagraph (A) of covered section described in subsection (a)(4)(B)(vi)."

(c) CERTIFICATIONS TO CONGRESS.—Section 721(b)(3)(C)(i) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)(i)) is amended—

(1) in subclause (IV), by striking ""; and"" and inserting a semicolon;

(2) in subclause (V), by striking the period at the end and inserting ""; and""; and

(3) by adding at the end following:

""(VI) with respect to covered transactions described in subsection (a)(4)(B)(vi), to the members of the Senate from the State in which the purchase, lease, or concession of real property on which the project is planned to be located is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), the Secretary of Defense—

(A) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

""(f) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—Subsection (i) of title 10, United States Code, is amended—

(A) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

""(g) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES—(1) The Secretary of Defense—

(A) may not complete review of the project until the Committee concludes action under section 721 with respect to the purchase, lease, or concession; and

(B) shall not complete the Secretary of Transportation of the delay.

(2) If the Committee on Foreign Investment in the United States determines that the purchase, lease, or concession of real property on which an energy project described in paragraph (1) is planned to be located is under review or investigation by the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, insert the following:

SEC. 753. MODIFICATION OF LIMITATION ON ACTIONS BASED SOLELY ON FAILURE TO OBEY AN ORDER TO RECEIVE A VACCINE FOR COVID-19.

Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-41; 133 Stat. 1800) is amended—

(1) by amending the section heading to read as follows: ""LIMITATIONS ON PUNISHMENT BASED SOLELY ON FAILURE TO OBEY AN ORDER TO RECEIVE A VACCINE FOR COVID-19"";

(2) by adding the following:

""(B) Prohibition on Adverse Action.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID-19;

""(C) Remedies Available for a Covered Member Discharged or Punished Based on COVID-19 Status.—At the election of a covered member and upon application through a process established by the Secretary of Defense, the Secretary shall—

""(1) adjust to ‘honorable discharge’ the status of the member if—

""(A) the member was separated from the Armed Forces based solely on the failure of the member to receive an order to receive a vaccine for COVID-19;

""(BB) the discharge of the member would have been an honorable discharge but for the refusal to obtain such vaccine;

""(CC) the member held the grade held by the member immediately prior to the involuntary separation of the member;"";
“(3) expunge from the service record of the member any reference to any adverse action based solely on COVID–19 status, including involuntary separation; and

“(4) retains the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retaining pay of the member.”

“Sec. 1077. REPORT ON FOREIGN OWNERSHIP OF AGRICULTURAL LAND NEAR INSTALLATIONS OF THE DEPARTMENT OF DEFENSE IN THE UNITED STATES.

“Subject to section 150406, eligibility for membership in the corporation, and in determining the requirements for serving on the board of directors, or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.”

“§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation, constitution, and bylaws, which shall conform to the laws of the jurisdiction under which the corporation is incorporated.”

“§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) In General.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’ and such seals, emblems, and badges as the corporation may lawfully adopt.

“(b) Effect.—Nothing in this section interferes or conflicts with any established or vested rights.”

“§ 150409. Restrictions

“(a) Stock and Dividends.—The corporation may not—

“(1) issue any shares of stock; or

“(2) declare or pay any dividends.

“(b) Distribution of Income or Assets.—

“(1) In General.—The income or assets of the corporation may not—

“(A) inure to any person who is a member, officer, or director of the corporation; or

“(B) be distributed, directly or indirectly, among the members or otherwise than by way of payment to or for the reasonable expenditures for use by the organization.”
S5082

CONGRESSIONAL RECORD — SENATE
September 27, 2022

"(B) be distributed to any such person during the life of the charter granted by this chapter.

(2) EFFECT.—Nothing in this subsection provides for the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

"(c) LOANS.—The corporation may not make any loan to any officer, director, member, or employee of the corporation.

"(d) GENERAL ENFORCEMENT.—The corporation may not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

§ 150410. Duty to maintain tax-exempt status

"The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

§ 150411. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete books and records of accounts;

"(2) minutes of any proceeding of the corporation involving any member of the corporation, the board of directors, or any committee having authority under the board of directors to act by vote;

"(3) at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote; or by any agent or attorney of such a member, for any proper purpose, at any reasonable time.

"(b) EFFECT.—Nothing in this section contravenes—

"(A) the laws of the jurisdiction under which the corporation is incorporated; or

"(B) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

§ 150412. Service of process

"With respect to service of process, the corporation shall comply with the laws of—

"(1) the jurisdiction under which the corporation is incorporated; and

"(2) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

§ 150413. Liability for acts of officers and agents

"The corporation shall be liable for the acts of the officers and agents of the corporation acting within the scope of their authority.

§ 150414. Failure to comply with requirements

"If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 15410 to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

§ 150415. Annual report

"(a) IN GENERAL.—The corporation shall submit to Congress an annual report describing the activities of the corporation during the preceding fiscal year.

"(b) IN GENERAL.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b).

"(c) IN GENERAL.—No annual report under this section shall be printed as a public document; ."

(b) CEREMONIAL AMENDMENT.—The table of chapters for subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1503 the following:

SEC. 15. ANNUAL REPORT ON UNFUNDED PRIORITIES OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.

"(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Research and Engineering shall submit to the President, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on the unfunded priorities of the Department of Defense-wide research, development, test, and evaluation activities.

"(b) CONTENTS.—Each report submitted under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

"(1) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part);

"(2) The additional amount of funds recommended in connection with the objectives under paragraph (1);

"(3) Account information with respect to such priority, including the following (as applicable):

"(A) Line Item Number (LIN) for applicable procurement accounts.

"(B) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

"(C) Sub-activity group (SAG) for applicable operation and maintenance accounts.

SA 5713. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, being reduced by $500,000, to support additional travel and workload to achieve an initial extent of expanded Jordanian engagement.

SA 5715. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 57. LEASE-TO-PURCHASE AGREEMENTS TO BE INCLUDED IN BONDED INDEBTEDNESS CALCULATION. Section 7007(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7007(b)(3)) is amended by adding at the end the following:

"(F) LEASE PURCHASE AGREEMENTS.—With respect to any local educational agency that is eligible to receive funding under this subsection, the amount of debt incurred by the local educational agency under a lease purchase agreement, shall be deemed to be bonded debt for purposes of determining the local educational agency’s bonded indebtedness under this subsection.

SA 5715. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 57. LEASE-TO-PURCHASE AGREEMENTS TO BE INCLUDED IN BONDED INDEBTEDNESS CALCULATION. Section 7007(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7007(b)(3)) is amended by adding at the end the following:

"(F) LEASE PURCHASE AGREEMENTS.—With respect to any local educational agency that is eligible to receive funding under this subsection, the amount of debt incurred by the local educational agency under a lease purchase agreement shall be deemed to be bonded debt for purposes of determining the local educational agency’s bonded indebtedness under this subsection."
SEC. 1214. RESTRICTION ON FEDERAL FUNDS IN GAZA.

(a) Short Title.—This section may be cited as the “Stop Taxpayer Funding of Hamas Act”.

(b) Restriction on Direct Expenditures or Obligations in Gaza.—No United States Government funds may be obligated or expended in the territory of Gaza until after the President certifies to the Committee on Appropriations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such funds can be expended without benefitting any organization, person, or entity that is—

(1) a member of Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization; or

(2) controlled or influenced by Hamas, Palestinian Islamic Jihad, or any such foreign terrorist organization.

(c) United Nations Entities.—No United States Government funds may be obligated or expended in the territory of Gaza by any United Nations entity or office unless the President certifies to the congressional committees referred to in subsection (b) that such funds would not be used to support or facilitate teaching anti-Israel or anti-Semitic ideas or propaganda.

SA 5717. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. AFGHAN VETTING ACCOUNTABILITY.

(a) Short Title.—This section may be cited as the “Afghan Vetting Accountability Act of 2022”.

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

(1) The Inspector General of the Department of Homeland Security conducted an audit, which included meetings with more than 130 individuals from the Department of Homeland Security, to determine the extent to which the Department of Homeland Security screened, vetted, and inspected Afghan evacuees arriving as part of Operation Allies Refuge and Operation Allies Welcome.

At the end of the report resulting from such audit, “DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees During the Recent Afghanistan Crisis”, which was issued on September 6, 2022, the Inspector General of the Department of Homeland Security found that—

(A) “[t]he United States welcomed more than 80,000 Afghan evacuees between July 2021 and January 2022, as part of [Operation Allies Refuge and Operation Allies Welcome]”; and

(B) “[t]he President directed the Secretary of Homeland Security to lead the coordination of the Government to resettle vulnerable Afghans arriving as part of [Operation Allies Welcome]”.

(2) The Department of Homeland Security encountered obstacles to screen, vet, and inspect all Afghan evacuees arriving as part of Operation Allies Refuge and Operation Allies Welcome.

(D) “[U.S. Customs and Border Protection did not always have critical data to properly screen, vet, or inspect the evacuees]”;

(E) “[s]ome evacuees were vetted through U.S. Government databases, such as name, date of birth, identification number, and travel document data, was inaccurate, incomplete, or missing”; and

(F) “[U.S. Customs and Border Protection] admitted or paroled evacuees who were not fully vetted into the United States, including evacuees whose use of the Department of Homeland Security’s challenges with respect to properly screening, vetting, and inspecting such evacuees to not having—

(A) a list of evacuees from Afghanistan who were unable to provide sufficient identification documents;

(B) a contingency plan to support similar emergency situations; and

(C) standards for new evacuees arriving soon after the President certifies to the congressional committees referred to in subsection (b) that such funds would not be used to support or facilitate teaching anti-Israel or anti-Semitic ideas or propaganda.

SA 5718. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Subtitle G.—Protecting Taiwan for Invasion

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Taiwan Invasion Prevention Act”.

CHAPTER I.—Authorization for Use of United States Armed Forces

SEC. 1282. FINDINGS; SENSE OF CONGRESS.

(a) Findings.—Congress finds the following:

(1) Taiwan is a free and democratic democracy of nearly 24,000,000 people and is an important contributor to peace and stability around the world.

(2) Section 2(b) of the Taiwan Relations Act (title 22 U.S.C. 3301(b)) states that it is the policy of the United States—

(A) “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area’’;

(B) “to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and that efforts at international cooperation, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States’’; and

(C) “to make clear that the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means’’;

(D) “to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States’’;

(E) “to provide Taiwan with arms of a defensive character’’; and

(F) “to maintain the capacity of the United States to resist any resort to force or与其他 forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan’’.

(2) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Government of the People’s Republic of China has intensified its efforts to pressure Taiwan through diplomatic isolation and military provocations.

(3) The rapid modernization of the People’s Liberation Army and recent military maneuvers in and around the Taiwan Strait illustrate a clear threat to Taiwan’s security.

(b) Sense of Congress.—It is the sense of Congress that—

(1) both the United States and Taiwan have made significant strides since 1979 in bolstering their defense relationship;

(2) the People’s Republic of China has dramatically increased the capability of its military forces since then;

(3) the People’s Republic of China has in recent years increased the use of its military forces to harass and provoke Taiwan with the threat of overwhelming force; and

(4) it is the policy of the United States to consider any effort to determine the future
of Taiwan by anything other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area, and of grave concern to the United States.

SEC. 1283. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The President is authorized to use United States Armed Forces of the United States and such other forces as the President determines to be necessary and appropriate in order to secure and protect Taiwan against—

(1) a direct armed attack by the military forces of the People’s Republic of China against the military forces of Taiwan;

(2) any military action under the effective jurisdiction of Taiwan by the military forces of the People’s Republic of China; or

(3) the endangering of the lives of members of the military forces of Taiwan or civilians within the effective jurisdiction of Taiwan in cases in which such members or civilians have been killed or are in imminent danger of being killed.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 5(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization with the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this subtitle may be construed to superecede any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(c) SENSE OF CONGRESS.—It is the sense of Congress that, at the earliest possible date after the date of the enactment of this Act, the President should arrange a meeting in Taiwan with the designated by the President), with appropriate military advisors to Taiwan for purposes of defending Taiwan; and

(d) STATEMENT OF POLICY.—It is the policy of the United States to demand that the People’s Republic of China officially renounce the use or threat of military force in any attempt to alter Taiwan.

(e) AUTHORIZATION PERIOD.—

(1) IN GENERAL.—The authorization for use of the Armed Forces under this section shall expire—

(A) except as provided in subparagraph (B), 180 days after the date of the enactment of this Act; and

(B) in the case that the date that is 180 days after the date of the enactment of this Act is not the first day of a month, the first day of the first month beginning after the date that is 180 days after the date of the enactment of this Act.

(2) DETERMINATION OF APPROPRIATE PURPOSES.—Nothing in this Act shall be construed to constitute specific statutory authorization with the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(3) the endangering of the lives of members or civilians of the military forces of Taiwan or civilians within the effective jurisdiction of Taiwan in cases in which such members or civilians have been killed or are in imminent danger of being killed.

SEC. 1285. UNITED STATES-TAIWAN BILATERAL TRADE AGREEMENT.

Not later than 180 days after the date of the enactment of this Act, the United States Trade Representative shall seek to enter into negotiations with representatives from Taiwan to establish a bilateral trade agreement between the United States and Taiwan.

SEC. 1286. UNITED STATES-TAIWAN COMBINED MILITARY EXERCISES AND RELATED ACTIVITIES.

(a) COMBINED MILITARY EXERCISES.—The Secretary of Defense, in coordination with the heads of other relevant Federal agencies, should seek to carry out, a program of combined military exercises between the United States, Taiwan, and, if feasible, other United States allies and partners to improve military coordination with Taiwan.

(b) COMBINED DISASTER RELIEF EXERCISES.—The Secretary of Defense, in coordination with the heads of other relevant Federal agencies, should engage with their counterparts in Taiwan to organize combined disaster and humanitarian relief exercises.

(c) TAIWAN STRAIT TRANSITS, FREEDOM OF NAVIGATION OPERATIONS, AND PRESENCE OPERATIONS.—The Secretary of Defense should consider increasing transits through the Taiwan Strait, freedom of navigation operations in the Taiwan Strait, and presence operations in the Western Pacific by the United States Navy, in conjunction with United States allies and partners.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Taiwan should dedicate additional diplomatic and other efforts toward advancing its military readiness for purposes of defending Taiwan, including through—

(1) steady increases in annual defense spending as a share of gross domestic product;

(2) procurements of defense technologies that directly bolster Taiwan’s asymmetric defense capabilities;

(3) the reform of Taiwan’s military reserves, including increasing the length of training required and number of days required in service annually;

(4) participation with United States Armed Forces in combined military exercises; and

(5) further enlacement of the United States on strengthening Taiwan’s cyber capabilities.

SEC. 1287. SENSE OF CONGRESS REGARDING UNITED STATES SUPPORT FOR DEFENDING TAIWAN.

It is the sense of Congress that—

(1) given the security considerations posed by the People’s Republic of China, the Secretary of State should accelerate the approval of sales of defense articles and services to Taiwan for purposes of defending Taiwan; and

(2) the Secretary of Defense should offer support to Taiwan by—

(A) continuing to send United States military advisors to Taiwan for training purposes;

(B) encouraging members of the United States Armed Forces to enroll in Taiwan’s National Defense Universities;

(C) maintaining a significant United States naval presence within a close proximity to Taiwan; and

(D) reestablishing the Taiwan Patrol Force under the direction of the United States Navy.

SEC. 1288. HIGH-LEVEL VISITS.

(a) VISIT TO TAIWAN BY PRESIDENT OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President of the United States (if designated by the President), with appropriate interagency consultation and participation, should arrange a meeting in Taiwan with the President of Taiwan.

(b) VISIT TO THE UNITED STATES BY PRESIDENT OF TAIWAN.—It is the sense of Congress that the United States would benefit from a meeting in the United States between the President or the Secretary of State and the President of Taiwan.

SEC. 1289. SENSE OF CONGRESS REGARDING ADDRESS TO JOINT SESSION OF CONGRESS BY PRESIDENT OF TAIWAN.

It is the sense of Congress that it would be beneficial for the United States and Taiwan to invite the President of Taiwan to address a joint session of Congress and subsequently participate in a roundtable discussion with members of Congress.

SA 5719. Mr. COTTON submitted an amendment intended to be proposed to amendment S 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. INCREASE IN SPECIAL PENSION FOR MEDAL OF HONOR RECIPIENTS.

(A) IN GENERAL.—Section 1562(a)(1) of title 38, United States Code, is amended by striking "$1,388.68" and inserting "$1,500".

(B) EFFECTIVE DATE.—(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is—

(A) except as provided in subparagraph (B), 180 days after the date of the enactment of this Act; and

(B) in the case that the date that is 180 days after the date of the enactment of this Act is not the first day of a month, the first day of the first month beginning after the date that is 180 days after the date of the enactment of this Act.

(2) DELAY OF ANNUAL COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall not make an increase pursuant to section 1562(e)(1) of such title effective December 1, 2022, if the amendment made by subsection (a) takes effect before such date.

(B) RESUMPTION.—In the case that the Secretary, pursuant to subparagraph (A), does not make an increase pursuant to section 1562(e)(1) of such title effective December 1, 2022, the Secretary shall resume making increases pursuant to such section with the first such increase effective December 1, 2023.

SA 5720. Mr. COTTON submitted an amendment intended to be proposed to amendment S 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF CONGRESS REGARDING HONORING THE LAST SURVIVING MEDAL OF HONOR RECIPIENT FOR EACH MAJOR MILITARY CONFLICT.

It is the sense of Congress that—
(1) lying in honor in the rotunda of the Capitol represents the highest honor that can be bestowed on a citizen of the United States upon their passing;

(2) the State of the Union and the Medal of Honor have demonstrated valor and bravery in combat in service to the United States above all reasonable expectations of a citizen;

(3) to emphasize that men and women who answered their Nation’s call to arms, the remains of the individual who was the last surviving recipient of the Medal of Honor for acts performed during each major military conflict should be permitted to lie in honor in the rotunda of the Capitol on such a date as determined appropriate by—

(A) the next of kin of such individual;

(B) the Speaker of the House of Representatives;

(C) the minority leader of the House of Representatives;

(D) the majority leader of the Senate;

(E) the minority leader of the Senate; and

(F) the President pro tempore of the Senate;

and

(4) the Architect of the Capitol should take all necessary steps for the accomplishment of that purpose.

SA 5721. Mr. COTTON submitted an amendment intended to be proposed to the amendment submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3118. PLAN TO ACCELERATE RESTORATION OF DOMESTIC URAMNIUM ENRICHMENT.

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

(1) the United States is engaged in a period of intense strategic competition with 2 peer adversaries, each of which aims to develop nuclear forces superior to the nuclear forces of the United States and its allies in the North Atlantic Treaty Organization;

(2) successfully deterring the aims of such adversaries requires the national security of the United States and the security of its allies requires that the United States maintain a capable, credible nuclear force, including the capability to produce the materials needed to manufacture nuclear weapons and provide reliable sources of energy for naval vessels and military facilities; and

(3) a key component to achieving those goals is the restoration of the domestic uranium enrichment capability of the United States, a component that will allow the United States to make significant strides toward improved energy independence by reducing reliance on international sources of enriched uranium and opening up tremendous opportunities for improving the competitiveness of the United States in the international energy economy.

(b) PLAN.—

(1) IN GENERAL.—Not later than June 1, 2023, the Secretary of Defense, in coordination with the Administrator for Nuclear Security, shall submit to the Congress a plan to restore the domestic uranium enrichment capability of the United States by not later than 2035.

(2) CONSULTATION.—As required by paragraph (1) shall include the following elements:

(A) Recommendations restore unobligated uranium production, conversion and enrichment capabilities, including production of high-enriched uranium,

(i) to refurbish the nuclear weapons stockpile of the United States over a period of not more than 30 years;

(ii) to satisfy the annual requirements of the United States for naval reactor fuel, including projections for satisfying fuel requirements for all submarines developed using reactor designs and technology of the United States and —

(iii) to satisfy the annual requirements of the United States for defense nuclear power reactors;

(B) Recommendations to improve the production capacity of unobligated low-enriched uranium needed to satisfy annual tritium production requirements for the nuclear weapons stockpile of the United States and associated research and development objectives;

(C) Such other recommendations and information as the Secretary of Defense or the Administrator for Nuclear Security consider appropriate.

SA 5722. Mr. COTTON (for himself, Mr. COONS, and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. AUSTRALIA-UNITED STATES LEGISLATIVE EXCHANGE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The Indo-Pacific region is among the fastest-growing regions of the world and is the most important region for United States interests.

(2) The strategic challenges emerging from the Indo-Pacific region require collaboration and cooperative solutions between the United States and its allies and partners.

(3) Australia has been one of the United States’ closest allies for well over 100 years. This “mateship” began with the visit of the American Great White Fleet to Sydney Harbor in 1908. The United States-Australia relationship was soon sealed as troops from both countries fought and died together in World War I.

(4) Since World War I, Australians and Americans—

(A) have supported each other in every major military conflict in which the United States was involved; and

(B) have mutually supported each other in intelligence-sharing.

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

(1) the United States must continue to build and maintain strong relationships with allies and partners of the Indo-Pacific region to successfully protect its vital interests and to advance the goals of the Indo-Pacific region;

(2) the Australia-United States relationship will continue to be vital throughout the 21st century and beyond;

(3) as the Australia-United States alliance evolves, it is necessary that emerging leaders in both countries develop a deeper understanding of their ally’s view of the world; and

(4) exchange programs between foreign policy and national security staff from the Australian Parliament and the United States Congress will further bind our nations together.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, working through a designated nonprofit, such as a think tank, a foundation, or another suitable organization connected with the Department of Defense, will participate in an international energy economy.

(2) PURPOSE.—The purpose of the Program shall be to coordinate annual 1 to 2 week legislative exchanges between United States congressional staff and Australian parliamentary staff that focus on foreign policy, national security, and other issues of mutual interest between both countries.

(d) SELECTION OF STAFF.—

(1) CONGRESSIONAL STAFF.—In carrying out the Program, the congressional leaders referred to in paragraph (1), in consultation with the head of the nonprofit designated pursuant to paragraph (1), shall jointly select a bipartisan, bicameral group of congressional staff for each exchange described in paragraph (2).

(2) PARLIAMENTARY STAFF.—It is the sense of Congress that the majority leader of the United States Legislative Exchange Program will select a politically balanced group of Australian parliamentary staff who will participate in each exchange described in paragraph (2).

(e) VENUES.—The exchanges described in paragraph (2) shall take place primarily in Washington, D.C. and Canberra, Australia, but may include opportunities for staff—

(A) to engage in cultural immersion activities; and

(B) to tour other key regions in each country in accordance with the purposes of the Program.

(f) PROGRAM ACTIVITIES.—Program participants while visiting the partner country, shall—

(A) meet with senior executive branch and legislative branch officials, think tank scholars, and nonprofit organizations;

(B) participate in specially-designed courses covering the politics and foreign policy issues in such country with the intent to foster a deeper understanding of the political environment in which their counterparts operate.

(g) CONSULTATION.—In managing the Program on behalf of the congressional leaders referred to in paragraph (1), the head of the nonprofit designated pursuant to paragraph (1) shall consult with, and accepting guidance from, senior staff of the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(h) ALUMNI NETWORK.—The head of the nonprofit designated pursuant to paragraph (1) shall establish an alumni network program, in cooperation with a representative of the Australian Parliament, that brings together alumni of the program to participate in special events or programs that provide for further exchanges and lasting relationships between policymakers and leaders in both countries.

SA 5723. Mr. COTTON submitted an amendment intended to be proposed to
amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1090. STANDARDIZATION OF SECTIONAL BARGE CONSTRUCTION FOR DEPARTMENT OF DEFENSE USE ON RIVERS AND INTERCOASTAL WATERWAYS.

The Secretary of Defense shall ensure that any sectional barge used by the Department of Defense—

(1) is built to a design that has been reviewed and approved, to the extent possible, by the Seller; and (2) has a deck design that provides for a minimum concentrated load capacity of 10,000 pounds per square foot.

SA 5725. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 5724. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

(2) IMMEDIATE FAMILY MEMBER.—Subsection (d) of such section is amended to read as follows:

(2) IMMEDIATE FAMILY MEMBER.—Subsubsection (d) of such section is amended to read as follows:

SA 5726. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction,
and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1254. ANNUAL REPORT ON UNITED STATES PORTFOLIO INVESTMENTS IN THE PEOPLE’S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on portfolio investments by United States persons in the People’s Republic of China, including such investments routed through a jurisdiction outside the United States.

(b) ELEMENTS.—Each report required by subsection (a) shall include an assessment of the involvement of the following in portfolio investments in the People’s Republic of China:

(1) United States persons making such investments, including an assessment of:
   (A) the types of United States persons making such investments, including State pension funds; and
   (B) United States persons making more than 2 percent of the total of such investments a year.

(2) Chinese entities receiving such investments, including an assessment of:
   (A) such entities in individual sectors of the economy outside the United States;
   (B) any Chinese entities subject to sanctions imposed by the United States receiving such investments; and
   (C) Chinese entities that receive more than $100,000,000 from such investments.

(c) PERIOD COVERED.—The period covered by a report required by subsection (a) shall be:

(1) in the case of the first such report, the period beginning on January 1, 2008, and ending on the date of the report; and

(2) in the case of each subsequent such report, the one-year period preceding submission of the report.

(d) DEFINITIONS.—In this section:

(1) UNITED STATES PERSON. —The term ‘‘United States person’’ means—
   (A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or
   (B) an entity organized under the laws of the United States, and, as the Secretary of the Treasury determines and certifies to Congress that such a waiver is important to the national security interests of the United States.

(2) UNITED STATES PERSON. —The term ‘‘United States person’’ means—
   (A) an individual United States citizen or an alien lawfully admitted for permanent residence to the United States;
   (B) an entity organized under the laws of the United States or under the jurisdiction within the United States, including a foreign branch of such an entity; or
   (C) any person in the United States.

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ‘‘Sanction Transactions Originating from Perilous Chinese Military Policies Act of 2022’’ or the ‘‘STOP CCP Act of 2022’’.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) CHINESE ENTITY. —The term ‘‘Chinese entity’’ means an entity organized under the laws of the People’s Republic of China or otherwise subject to the jurisdiction of the Government of the People’s Republic of China.

(2) PUBLICLY TRADED SECURITIES.—The term ‘‘publicly traded securities’’ includes—
   (A) any security (as defined in section 3(a) of the Securities Act of 1933, 15 U.S.C. 78a(a)) denominated in any currency that trades on a securities exchange, or through the methods of trading that is commonly referred to as ‘‘over-the-counter’’, in any jurisdiction; and
   (B) any security that is derivative of or designed to provide investment exposure to a security described in subparagraph (A).

(3) UNITED STATES PERSON. —The term ‘‘United States person’’ means—
   (A) an individual United States citizen or an alien lawfully admitted for permanent residence to the United States;
   (B) an entity organized under the laws of the United States or under the jurisdiction within the United States, including a foreign branch of such an entity; or
   (C) any person in the United States.

SEC. 1283. PROHIBITION ON SECURITIES INVESTMENTS THAT FINANCE CERTAIN COMPANIES OF THE PEOPLE’S REPUBLIC OF CHINA.

The following activities by a United States person are prohibited:

(1) The purchase or sale of any publicly traded securities, or any publicly traded securities that are derivative of such securities or are designed to provide investment exposure to such securities, issued by any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense,
   (A) to operate or have operated in the defense and related materiel sector or the surveillance technology sector of the economy of the People’s Republic of China; or
   (B) to own or be owned or controlled by, directly or indirectly, a person described in subparagraph (A).

(2) The execution, support, or servicing of a purchase or sale described in paragraph (1).

(3) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition under paragraph (1).

(4) Any conspiracy formed to violate the prohibition under paragraph (1).

SEC. 1284. EXPANSION OF NON-SPECIALLY DESIGNATED NATIONALS AND ENHANCED ENFORCEMENT OF CHINESE MILITARY-INDUSTRIAL COMPLEX COMPANIES LIST.

Not later than 20 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to expand the Non-Specially Designated Nationals and Chinese Military-Industrial Complex Companies List (commonly referred to as the ‘‘NS-CMIC List’’ or the ‘‘List’’ or the ‘‘List’’ or the ‘‘List’’) of the Office of Foreign Assets Control to include—

(1) any entity found to be engaged in supporting the Chinese military-industrial complex;

(2) any entity that is owned or controlled by an entity described in paragraph (1);

(3) any entity that is formed from a spin-off, merger or acquisition, or sale of a business unit involving an entity described in paragraph (1) or is otherwise a successor to such an entity; and

(4) any entity that provides financial services for an entity described in paragraph (1), (2), or (3).

SEC. 1285. CLOSING SANCTIONS LOOPHOLES.

(a) IN GENERAL.—If sanctions are imposed with respect to a Chinese entity under any statute or executive order in subsection (b), sanctions shall be imposed with respect to the Chinese entity under each other applicable statute and executive order described in subsection (b), unless—

(1) the President waives the imposition of such sanctions; or

(2) the President provides for under such other statute or executive order applies.

(b) STATUTES AND EXECUTIVE ORDERS DESCRIBED.—A statute or executive order described in this subsection is a statute or executive order that provides for the imposition of sanctions.

(c) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The President may waive the application of any sanction imposed with respect to any person under subsection (a) if the President determines and certifies to Congress that such a waiver is important to the national security interests of the United States.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority; and

(3) FULLLY ARTICULATING THE RATIONALE AND CIRCUMSTANCES THAT LED TO THE DECISION.—

(d) TERMINATION OF SANCTIONS TO BE REPORTED TO CONGRESS.—Not later than 20 days after the termination of any sanction under subsection (a), the President shall promptly submit to Congress a report on termination and the reasons for the termination.

SA 5728. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for the activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12. SEC REPORTING.

(a) The Securities and Exchange Commission, as part of its evaluation of potential guidance on reporting on environmental, social, and governance matters by publicly traded companies, shall require reporting of the following:

(1) sourcing and due diligence activities of such companies involving supply chains of products that are produced in the United States that are directly linked to products utilizing forced labor from Xinjiang, China;

(2) transactions with companies that have been placed on the Entity List by the Department of Commerce; or

(3) with respect to publicly traded United States companies with facilities in China, on an annual basis—
   (A) whether there is a Chinese Communist Party committee in the operations of the company; and
   (B) whether such companies are party to any agreements with the Chinese Communist Party committee.
SA 5729. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 575. ENHANCED INFORMATION RELATED TO AWARDED OF THE PURPLE HEART.

(a) PUBLICATION OF AWARD CRITERIA.—Not later than 180 days after the date of the enactment of this Act, each military service shall ensure that a publicly available website includes a link to—

(1) a description of the background of the Purple Heart;

(2) the eligibility criteria for awarding the Purple Heart; and

(3) contact information for that service’s awards and decorations branch liaison to facilitate confirmation by a veteran or a veteran’s next of kin whether a veteran has been awarded the Purple Heart after December 31, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the chief of staff of each military service shall submit to the congressional defense committees a report on implementation of the requirements under subsection (a). The report shall—

(1) provide the publically accessible website described under subsection (a);

(2) include the number of requests received by the service related to confirming the award of a Purple Heart;

(3) describe the average response time for confirming the award of a Purple Heart in response to an inquiry from a veteran or next of kin; and

(4) include recommendations for decreasing the amount of time taken to respond to such inquiries.

SA 5731. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of reducing costs associated with military operations and improving military readiness, it is the sense of the Senate that—

(1) the Department of Defense should calculate and consider the TCO when procuring a non-tactical vehicle; and

(2) the Department of Defense, when conducting any action with the Government Services Administration related to the procurement or requisition of a non-tactical vehicle, should—

(A) work with the Department of Energy to develop a TCO procurement model that uses State-wide, regional, and inventory variables to estimate the cost savings and bolster energy and national security;

(B) congratulate the Army for being the first service to reach the milestone of saving $100 million with its use of zero-emission vehicles; and

(C) incorporate the TCO procurement model developed under subparagraph (A) into any such procurement or requisition action; and

(D) authorize any exemptions from use of the TCO procurement model developed under subparagraph (A) as the Secretary of Defense considers appropriate, including by—

(i) authorizing exemptions for certain categories of vehicles, including emergency vehicles, or other non-tactical vehicles as determined by the Secretary, when a vehicle type is not available for the needed application;

(ii) authorizing exemptions upon finding that a zero-emission vehicle is not a practicable alternative to an internal combustion engine vehicle for a particular use, or for some other compelling reason; and

(iii) developing guidance regarding procedures for requesting such exemptions, including the criteria for evaluating such exemption requests, which will be posted on the website of the Department of Defense and given a 30-day period for public review and comment before the Department adopts or revises such guidance.

SA 5733. Mr. KING (for himself, Mr. ROUNDS, Ms. ROSEN, Ms. HASSAN, and...
Mr. OSSEFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. FIVE YEAR TERM FOR THE DIRECTOR OF CYBERSECURITY AND INFRASTRUCTURE SECURITY.

(a) In general.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting “The term of office of an individual serving as Director shall be 5 years.” after “who shall report to the Secretary.”

(b) Transition rules.—The amendment made by subsection (a) shall take effect on the first day of the term of an individual to whom the amendment applies, and the person so appointed shall serve out the remaining term of the predecessor in office.

SA 5735. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1033. INADMISSIBILITY OF MEMBERS OF SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) Short title.—This section may be cited as the “Significant Transnational Criminal Organization Designation Act.”

(b) Amendment.—Section 212(a)(5)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(F)) is amended by striking “five years” and inserting “10 years”.

(c) Report.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5734. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 372. REPORT ON WEAPONS GENERATION FACILITIES OF THE AIR FORCE.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the construction by the Air Force of weapons generation facilities.

(b) Elements required by subsection (a) shall include the following elements:

(1) For installations of the Air Force that do not have a weapons generation area—

(A) the total number of weapons generation facilities to be constructed at installation or former installation sites;

(B) the expected date on which the Air Force expects to store weapons other than those described in subparagraph (B) at—

(i) a weapons storage area, or

(ii) a weapons generation facility that replaces an existing weapons storage area; and

(C) a mitigation plan to ensure that a weapons storage area can support the safe storage of weapons other than those described in subparagraph (B) if required.

(d) The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

At the end of subtitle G of title X, insert the following:

SEC. 373. REPORT ON WEAPONS GENERATION FACILITIES OF THE AIR FORCE.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the construction by the Air Force of weapons generation facilities.

(b) Elements required by subsection (a) shall include the following elements:

(1) For installations of the Air Force that do not have a weapons storage area—

(A) the total number of weapons generation facilities to be constructed at installations or former installation sites;

(B) the expected date on which the Air Force expects to begin to store weapons at each such facility.

(2) For installations assigned to Air Force Global Strike Command that have a weapons storage area—

(A) the total number of weapons storage areas to be replaced with weapons generation facilities;

(B) the expected date on which each installation will require a weapons generation facility to execute the mission of such command, including dates estimated to be later than 2030; and

(C) a description of the weapons currently stored in each weapons storage area;
subsection shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation to warrant revocation of that designation with respect to the organization is warranted.

(ii) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination regarding whether such petition warrants a revocation.

(B) Classifed Information.—The Attorney General may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

(C) Classification of Information.—The Attorney General may consider classified information in amending a designation in accordance with paragraph (1) at any time; and

(D) Procedures.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register.

(ii) Procedures.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed after publication of that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

(iii) Publication of Results of Review.—

The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

(b) Revocation by Act of Congress.—

(1) In General.—If no review is conducted pursuant to subparagraph (B), during the 5-year period beginning on the date on which a designation under this subsection takes effect, the Attorney General shall review the designation of the significant transnational criminal organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

(ii) Procedures.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed after publication of that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

(c) Scope of Review.—

The Attorney General may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

(d) Judicial Review of Designation.—

(1) IN GENERAL.—

(i) Review under Section 219A.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

(ii) Basis of Review.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

(e) Scope of Review.—

The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) lacking substantial support in the administrative record taken as a whole or in the classified information transmitted to the court under paragraph (2), or

(E) not in accord with the procedures required by law.

(f) Judicial Review Invoked.—

The pendancy of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.

(g) Categorical Amendment.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 219B the following:

Sec. 219A. Designation of significant transnational criminal organizations.

(b) Providing Material Support or Resources to Significant Transnational Criminal Organizations.—

(1) In general.—The Secretary may require the City to convey (and bear the costs for environmental remediation of the property) to be incurred by the Secretary, or to
reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and administrative costs related to the conveyance.

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

(2) TREATMENT OF AMOUNTS RECEIVED.—

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

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

(e) ADDITIONAL TERMS AND CONDITIONS.—

The Secretary may impose such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5737. Mr. COONS (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO HONOR JEAN MONNET.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SPONSOR.—The term "Sponsor" means the government of France.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Sponsor may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet to—

(A) restoring peace between European nations; and

(B) establishing the European Union.

(2) STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 99 of title 30, United States Code (commonly known as the "Commemorative Works Act").

(3) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(A) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment or maintenance of the commemorative work under this section.

(B) ACCEPTANCE OF CONTRIBUTIONS AND PAYMENT OF EXPENSES.—The Sponsor shall be solely responsible for the acceptance of contributions for, and the payment of the expenses of, the establishment and maintenance of the commemorative work under this section.

(C) DEPOSIT OF EXCESS FUNDS.—

(A) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section, the Sponsor shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(1) of that title.

(B) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work under this section, the Sponsor shall transmit the amount of the balance remaining in the account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, to develop the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SA 5738. Mr. VAN HOLLEN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle —HBCU RISE Act

SEC. 1. SHORT TITLE. This subtitle may be cited as the "HBCU Research, Innovation, Security, and Excellence Act" or "HBCU RISE Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Historically Black colleges and universities hold a unique position in the United States to diversify the science, technology, engineering, and mathematics workforce demands and safeguard the national security interests of the United States.

(2) Historically Black colleges and universities are an investment in our Nation’s future and will help meet accelerating science, technology, engineering and mathematics workforce demands and safeguard the United States research ecosystem by increasing the number of students who are students of diverse backgrounds from historically Black colleges and universities with degrees in science, technology, engineering, and mathematics; and

(3) fueling domestic and international collaborations that led to trailblazing discoveries and innovative technologies.

(4) In 2019, historically Black colleges and universities received $371,000,000, or about 0.8 percent of the $44,500,000,000 in Federal funding to institutions of higher education for research and development. The amount of funding for 2019 is a marked decrease from the fiscal year 2018, when historically Black colleges and universities received $400,000,000 in Federal research and development funding (0.4 percent of the Federal funding to institutions of higher education for such purposes).

(5) There are no historically Black colleges and universities designated as very high research activity status, and historically Black colleges and universities are in an investment in our Nation’s future and will help meet accelerating science, technology, engineering and mathematics workforce demands and safeguard the national security interests of the United States.

SEC. 3. PURPOSE.

The purpose of the program established under this subtitle is to provide additional pathways needed for further increasing capacity at historically Black colleges and universities to achieve and maintain very high research activity status.

SEC. 4. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means a historically Black college or university that is classified as a very high research activity status institution at the time of application for a grant under section 5.

(2) HIGH RESEARCH ACTIVITY STATUS.—The term "high research activity status" means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" has the meaning given the term "part B institution" under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(5) VERY HIGH RESEARCH ACTIVITY STATUS.—The term "very high research activity status" means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(6) VERY HIGH RESEARCH ACTIVITY STATUS INDICATORS.—The term "very high research activity status indicators" means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high activity status and include:

(A) annual expenditures in science and engineering;

(B) per-capita (faculty member) expenditures in science and engineering; and

(C) annual expenditures in non-science and engineering fields;
(D) per-capita (faculty member) expenditures in non-science and engineering fields;  
(E) doctorates awarded in science, technology, engineering, and mathematics fields;  
(F) doctorates awarded in social science fields;  
(G) doctorates awarded in the humanities;  
(H) doctorates awarded in other fields with a research activity status plan to sustain that status beyond the grant period; and  
(I) total number of research staff including postdoctoral researchers;  
(J) other doctorate-holding non-faculty research and engineering and per-capita (faculty member) number of doctorate-level research staff including post-doctoral researchers; and  
(K) other categories utilized to determine classification.

SEC. 5. PROGRAM TO INCREASE CAPACITY TOWARD ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS AT HISTORICALLY BLACK COLLEGES OR UNIVERSITIES.  

(a) PROGRAM.—  
(1) IN GENERAL.—The Secretary shall establish and carry out, using funds made available for research activities, a pilot program to increase capacity at high research activity status (R2) historically Black colleges and universities toward achieving very high research activity status (R1) during the grant period.  
(2) RECOMMENDATIONS.—In establishing such a program, the Secretary may consider the recommendations of the Committee on Armed Services of the House of Representatives providing an update on the pilot program in increasing the research capacity of eligible institutions that received a grant under this section.  
(3) A description of how institutions that received a grant under this section shall be for a period of not more than 10 years, as determined by the Secretary.  
(4) GRANT PERIOD.—A grant awarded under this section shall be for a period of not more than 10 years, as determined by the Secretary.  
(b) EXPANSION OF ELIGIBILITY.—The Secretary may award grants under this section to historically Black colleges and universities that are not eligible institutions if the Secretary determines that the program can support such historically Black colleges and universities while achieving the purpose of the program described in this subtitle.  
(c) EVALUATION.—Not later than 5 years after the date of the enactment of this subsection, and every 3 years thereafter, and later than 3 years after receiving a grant under this section, the Secretary shall prepare and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives providing an update on the grant program, including—  
(1) activities carried out under the pilot program;  
(2) an analysis of the growth in very high research activity status indicators of eligible institutions that received a grant under this section; and  
(3) emerging research areas of interest to the Department of Defense conducted by eligible institutions that received a grant under this section.  
(d) TERMINATION.—The authority of the Secretary to award grants under the pilot program established under this section shall terminate 10 years after the date on which the Secretary establishes such program.  
(e) REPORT TO CONGRESS.—Not later than 180 days after the termination of the pilot program under subsection (f), the Secretary shall prepare and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that includes the following elements:  
(1) An analysis of the growth in very high research activity status indicators of institutions that received a grant under this section.  
(2) An evaluation on the effectiveness of the pilot program in increasing the research capacity of eligible institutions that received a grant under this section.  
(3) A description of how institutions that have achieved very high research activity status plan to sustain that status beyond the duration of the program.  
(e) ACTIVITIES.—A manufacturing innovation institute that receives support under subsection (a) may consist of—  
(1) the establishment of one or more manufacturing innovation centers specializing in the research and development of bioindustrial manufacturing processes; or  
(2) providing funding to one or more existing manufacturing innovation institutes—  
(A) to support the research and development of bioindustrial manufacturing processes; or  
(B) to otherwise expand the bioindustrial manufacturing capabilities of such institutes;  
(c) the establishment of dedicated facilities within one or more manufacturing innovation centers to serve as regional hubs for the research, development, and scaling of bioindustrial manufacturing processes and products to higher levels of production; or  
(d) providing funding to a manufacturing innovation institute to serve as the lead entity responsible for integrating a network of pilot and intermediate scale bioindustrial manufacturing facilities.  
(e) ACTIVITIES.—A manufacturing innovation institute that receives support under subsection (a) may consist of—  
(1) research on the use of bioindustrial manufacturing to create materials such as polymers, coatings, resins, commodity chemicals, and other materials with fragile supply chains;  
(2) demonstration projects to evaluate bioindustrial manufacturing processes and technologies;  
(3) activities to scale bioindustrial manufacturing processes and products to higher levels of production, which may include—  
(4) strategic planning for infrastructure and equipment investments for bioindustrial manufacturing of defense-related materials;  
(5) evaluation of the effectiveness of the program in meeting the institutional and student needs; and  
(6) recommendations with respect to further activities and investments necessary to elevate the research status of historically Black colleges and universities.
existing processes to aid in future investment strategies and the security of critical supply chains; 
(6) the selection, construction, and operation of a pilot and intermediate scale bioindustrial manufacturing facilities; 
(7) development and management of a network of facilities to scale production of bioindustrial products; 
(8) activities to address workforce needs in bioindustrial manufacturing; 
(9) establishing an interoperable, secure, digital framework to support collaborative data exchange across entities in the bioindustrial manufacturing community, including government, industry, and academia; 
(10) developing and implementing digital tools, process security and assurance capabilities, cybersecurity protocols, and best practices for data storage, sharing and analysis; and 
(11) such other activities as the Secretary of Defense determines appropriate. 

(d) In determining the number, type, and location of manufacturing innovation institutes or facilities to support under subsection (a), the Secretary of Defense shall—
(1) how the institutes or facilities may complement each other by functioning as a network; 
(2) how to geographically distribute support to such institutes or facilities— 
(A) to maximize access to biological material resources and to bioindustrial manufacturing processes; 
(B) to leverage available industrial and academic expertise; 
(C) to leverage relevant domestic infrastructure required to secure supply chains for chemicals and other materials; and 
(D) to complement the capabilities of other manufacturing innovation institutes and similar facilities; and 
(3) how the activities supported under this section can be coordinated with relevant activities of other departments and agencies of the Federal Government. 

(e) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the National Security Commission on Emerging Biotechnology a plan for the implementation of this section that includes—
(A) a description of types, relative sizes, and locations of manufacturing innovation institutes or facilities the Secretary intends to establish or support under this section; 
(B) a general description of the focus of each institute or facility, including the types of bioindustrial manufacturing equipment, if any, that are expected to be procured for each institute or facility; 
(C) a general description of how the institutes and facilities will work as a network to maximize the diversity of bioindustrial products available to be produced by the network; 
(D) an explanation of how the network will support the establishment and maintenance of the bioindustrial manufacturing industrial base; and 
(E) an explanation of how the Secretary intends to ensure that bioindustrial manufacturing activities conducted under this section are modernized digitally, including through—
(i) the use of a data automation to represent products and processes as models and simulations; and 
(ii) the implementation of measures to address cybersecurity and process assurance concerns.

(2) BRIEFINGS.—Not later than 180 days after the date of the submittal of the plan under paragraph (1), and biannually thereafter for five years, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the progress toward the implementation of the plan. 

(1) DEFINITIONS.—In this section:
(1) The term “appropriate congressional committees” means—
(A) the appropriate defense committees; 
(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate; and 
(C) the Committee on Agriculture and the Committee on Science, Space, and Technology of the House of Representatives.
(2) The term “bioindustrial manufacturing” means the use of living organisms, cells, tissues, enzymes, or cell-free systems to produce materials and products for nonpharmaceutical applications. 

(3) The term “manufacturing innovation institute” means a Manufacturing USA institute (as described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278d(i)) that is funded by the Department of Defense.

SA 5740. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, as follows:

(1) in the section heading, by inserting “and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3118. DESIGNATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION AS TECHNICAL NUCLEAR FORENSICS ADVISORY COMMITTEE.

Section 2321(b) of the National Nuclear Security Administration Act (50 U.S.C. 2401(b)) is amended by adding at the end the following:

“(C) To lead the technical nuclear forensics efforts of the United States.”.

SA 5741. Mr. PADILLA (for himself, Mr. CRAMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT AND AUTHORITY TO TRANSFER EXCESS AIRCRAFT TO STATES.

Section 1091 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2756 note) is amended—
(1) in the section heading, by inserting “AND TO STATES” after “FEDERAL GOVERNMENT”;

(2) in subsection (a), in the first sentence, by striking “and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard” and inserting “for use by the Forest Service, to the Secretary of Homeland Security for use by the United States Coast Guard, and to the Governor of a State”; 

(3) in subsection (b)—
(A) in paragraph (1), by striking “or the United States Coast Guard as a suitable platform to carry out their respective missions” and inserting “or the United States Coast Guard, the Governor of a State, as the case may be, as a suitable platform to carry out wildfire suppression, search and rescue, and emergency operations pertaining to wildfires”; 

(B) in paragraph (3), by striking “; and” and inserting a semicolon; 

(C) in paragraph (4), by striking the period at the end and inserting “; and”; and 

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

“(b) In the case of aircraft to be transferred to the Governor of a State, acceptable for use by the State, as determined by the Governor—
(1) by striking subsection (c); 
(2) in subsection (d)—
(A) in paragraph (1)—
(i) by striking “up to seven”;
(ii) by striking “the Governor of a State to or” after “offered to”;

(C) by adding paragraph (2) to read as follows:

“(2) EXPIRATION OF RIGHT OF REFUSAL.—A right of refusal afforded the Secretary of Agriculture or the Secretary of Homeland Security under paragraph (1) with regards to aircraft shall expire upon official notice of such Secretary to the Secretary of Defense that such Secretary declines such aircraft.”;

(6) in subsection (e)—
(A) in the matter preceding paragraph (1), by inserting “or to the Governor of a State” after “the Secretary of Agriculture”;

(B) in paragraph (1), by striking “wildfire suppression purposes” and inserting “purposes of wildfire suppression, search and rescue, or emergency operations pertaining to wildfires”;

(C) in paragraph (2)—
(i) by inserting “, search and rescue, emergency operations pertaining to wildfires,” after “efforts”; and 

(ii) by inserting “or the Governor of the State, as the case may be,” after “Secretary of Agriculture”;

(7) in subsection (f), by striking “or the Secretary of Homeland Security” and inserting “, the Secretary of Homeland Security, or the Governor of a State”;

(8) in subsection (g), by striking “and the Secretary of Homeland Security” and inserting “, the Secretary of Homeland Security, or the Governor of the State to which such aircraft is transferred”;

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

“(b) REPORTING.—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on aircraft transferred, during the fiscal year preceding the date of such report, to—

(1) the Secretary of Agriculture, the Secretary of Homeland Security, or the Governor of a State under section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318); or

(2) the Secretary of the Air Force or the Secretary of Agriculture under section 1098 of the National Defense Authorization Act.
SEC. 10. LAND HELD IN TRUST FOR THE KARUK TRIBE.

(a) FINDINGS.—Congress finds that—

(1) the Katimiıˆn and Ameekya´araam land is located in the ancestral territory of the Karuk Tribe; and

(2) the Karuk Tribe has historically used, and has an ongoing relationship with, the Katimiıˆn and Ameekya´araam land.

(b) DEFINITIONS.—In this section:

(1) KATIMIıˆN AND AMEEKYAıˆRAAM LAND.—The term ‘‘Katimiıˆn and Ameekya´araam land’’ means the approximately 1,031 acres of Federal land, including improvements and appurtenances to the Federal land, located in Siskiyou County, California, and Humboldt County, California, and generally depicted as ‘‘Proposed Area’’ on the map entitled ‘‘Katimiıˆn Katimiıˆn Area Boundary Proposal’’ and dated August 9, 2021.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(c) ADMINISTRATIVE TRANSFER.—Administrative jurisdic- tion of the Katimiıˆn and Ameekyaıˆraam lands is hereby transferred from the Secretary of Agriculture to the Secretary, subject to the condition that the Chief of the Forest Service shall continue to manage and protect the National Wild and Scenic Rivers System that flows through the Katimiıˆn and Ameekyaıˆraam land.

(d) LAND HELD IN TRUST.—The Katimiıˆn and Ameekyaıˆraam lands is hereby taken into trust by the Secretary for the benefit of the Karuk Tribe, subject to—

(1) valid existing rights, contracts, and management agreements relating to easements and rights-of-way; and

(2) continued access by the Chief of the Forest Service for the purpose of managing the National Wild and Scenic Rivers System that flows through the Katimiıˆn and Ameekyaıˆraam land.

(e) SURVEY.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall provide to the Secretary a complete survey of the land taken into trust under subsection (d).

(f) USE OF LAND.—

(1) IN GENERAL.—Land taken into trust under subsection (d) may be used for traditional and customary uses for the benefit of the Karuk Tribe.

(2) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. App.) shall not be allowed on the land taken into trust under subsection (d).

(g) WILD AND SCENIC RIVERS MANAGEMENT.

(1) IN GENERAL.—Nothing in this section affects the status or administration of any component of the National Wild and Scenic Rivers System, including any component that flows through the land taken into trust under subsection (d).

(2) MEMORANDUM OF UNDERSTANDING.—The Secretary of Agriculture shall enter into a memorandum of understanding with the Karuk Tribe, consistent with the obligations of the Department of Agriculture under section (c), to establish mutual goals for the protection and enhancement of the river values of any component of the National Wild and Scenic Rivers System that flows through the land taken into trust under subsection (d).

SEC. 10A. LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS.

(a) IN GENERAL.—The approximately 2,560 acres of land owned by the Agua Caliente Band of Cahuilla Indians generally depicted as ‘‘Land to be Taken into Trust’’ on the map entitled ‘‘Agua Caliente Band of Cahuilla Indians Land to be Taken into Trust’’ and dated November 17, 2021, is hereby taken into trust by the United States for the benefit of the Agua Caliente Band of Cahuilla Indians.

(b) ADMINISTRATION.—Land taken into trust by subsection (a) shall be—

(1) part of the reservation of the Agua Caliente Band of Cahuilla Indians; and

(2) administered in accordance with the Agua Caliente Band of Cahuilla Indians Act of 1950 (25 U.S.C. 2701 et seq.).

SEC. 10B. LAND HELD IN TRUST FOR THE BENEFIT OF THE KARUK TRIBE.

(a) IN GENERAL.—The approximately 1,031 acres of land owned by the Katimiıˆn and Ameekyaıˆraam land are hereby taken into trust by the Secretary for the benefit of the Karuk Tribe.

(b) ADMINISTRATION.—Land taken into trust by subsection (a) shall be—

(1) part of the Katimiıˆn and Ameekyaıˆraam land; and

(2) administered in accordance with the Agua Caliente Band of Cahuilla Indians Act of 1950 (25 U.S.C. 2701 et seq.).
Sec. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2022 and under the authority and conditions therein, for programs, projects, and activities continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2022, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2022 (division A of Public Law 117–103), except section 783, and subsequent appropriation or funds shall be applied by substituting "$325,000,000" for "$325,000,000".


(8) The Legislative Branch Appropriations Act, 2022 (division H of Public Law 117–103), and section 162 of division A of Public Law 117–43.


(10) The Military Construction, Veterans Affairs, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103), except the first proviso of section 799(e).

(11) Appropriations made and funds made available by or authority granted pursuant to this Act may be construed to waive any other provision of law governing the apportionment of funds.

(12) Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submision and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

Sec. 109. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submision and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

Sec. 110. Withholding any other or the Food and Nutrition Act of 2008, activities shall be continued at the rate for operations necessary to avoid furloughs and other necessary, at a rate for operations otherwise provided by an appropriation in this Act; or

Sec. 111. (a) Appropriations made and funds made available by or authority granted pursuant to this Act shall be apportioned up to the rate for operations otherwise provided by an appropriation in this Act.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements under the procurement authority for economic order quantity procurement unless specifically appropriated later.

Sec. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (2 U.S.C. 6212), except the first proviso of section 1(f) of such House resolution, is designated as being an emergency requirement pursuant to section 4001(a)(1) and section 504(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2282), and section 584(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

Sec. 114. Each amount incorporated by reference in this Act that was previously designated as an emergency requirement pursuant to section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for such personnel compensation and benefits in such department or agency, consistent with the applicable appropriations Act for fiscal year 2022, except that such authority provided under this Act shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

Sec. 115. (a) Rescissions or cancellations of discretionary budget authority that continues pursuant to section 101 for "Farm Service Agency—Agricultural Credit Insurance Fund Program Account" may be apportioned up to the rate for...
operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 118. Amounts made available by section 101 to the Department of Agriculture for “Rural Business—Cooperative Service—Rural Business Assistance Program” may be used for the costs of loans, including the cost of modifying such loans, as defined in section 502 of the Congressional Budget Act of 1974, under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2088a).

SEC. 119. Amounts appropriated by section 101 to the Department of Commerce for “Economic Development Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to maintain emergency operations.

SEC. 120. Amounts made available by section 101 for “Department of Commerce—National Oceanic and Atmospheric Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to ensure continued oversight of public safety communications programs.

SEC. 121. In addition to amounts otherwise provided by section 101, for “Department of Justice—Bureau of Investigation—Salaries and Expenses”, there is appropriated $15,300,000, for an additional amount to be appropriated for fiscal year 2023, to remain available until September 30, 2023, for investigative activities.

SEC. 122. (a) Of the remaining unobligated balances from amounts made available under the heading “Department of Defense—Operations and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid” in division C of Public Law 117–43 and division B of Public Law 117–70 to account for the headings “Department of State and Related Agency—Department of State—Administration of Foreign Affairs”, “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance”, and “Bilateral Economic Assistance—Department of State—United States Emergency Refugee and Migration Assistance Fund” for support of Operation Allies Welcome or any successor operation: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

(b) Not later than November 1, 2022 and prior to any transfer of funds pursuant to subsection (a), the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a written report on Operation Allies Welcome or any successor operation: Provided, That such report shall describe the number, status, and any anticipated future arrivals at such facilities; the strategy and plan, including timelines, for adjudicating and relocating all Afghan refugees at Department of Defense or overseas civilian facilities and for the transitional responsibilities under Operation Allies Welcome or any successor operation from the Department of Defense to the Department of State during fiscal year 2022, the amount and any anticipated security costs, to be incurred by such agency for carrying out such strategy and plan, and the resources of funds: Provided further, That prior to the initial obligation of funds transferred to the Department of State pursuant to subsection (a), the Secretary of State shall submit a report to such Committees detailing the roles and responsibilities of Department of State bureaus and offices in Operation Allies Welcome or any successor operation.

SEC. 123. (a) Of the amounts otherwise provided by this Act, section 117(b) of the Consolidated Appropriations Act, 2022, and the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

(b) Provided further, That any funds transferred pursuant to this subsection are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 124. (a) During the period covered by this Act, amounts are provided by section 101, amounts are provided by section 101, for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Court Commissioner” at a rate for operations of $59,565,000, of which not to exceed $5,000 shall be available for official reception and representation expenses.

(b) Provided further, That section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Court Commissioner” at a rate for operations of $59,565,000.

SEC. 125. In addition to amounts otherwise provided by section 101, for “Corps of Engineers—Civil—Construction”, there is appropriated $35,000,000, for an additional amount for fiscal year 2023, to remain available until expended, for necessary expenses related to water and wastewater infrastructure under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4833): Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 126. (a) During the period covered by this Act, title I of Public Law 108–361 (the Called Bay-Delta Authorization Act) (118 Stat. 1181), as amended by section 204 of division D of Public Law 117–117, shall be applied by substituting “2023” for “2022” each place it appears.

(b) During the period covered by this Act, section 108(h)(4)(A) of title I of Public Law 108–361 (the Called Bay-Delta Authorization Act) (118 Stat. 1186) shall be applied by substituting “$25,650,000” for “$25,000,000.”

SEC. 127. (a) During the period covered by this Act, section 9106(c)(2) of Public Law 111–117, as amended by section 203 of division D of Public Law 117–117, shall be applied by substituting “2023” for “2022.”

(b) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting “2023” for “2022.”

(c) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(e)) shall be applied by substituting “2023” for “2022.”

SEC. 128. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of the Treasury—Alcohol and Tobacco Tax and Trade Bureau—Salaries and Expenses” at a rate for operations of $14,929,000, for an additional amount to be appropriated for the Average Modernization Act import claims program, as required by the Taxpayer Certainty and Disaster Tax Relief Act of 2020, and such amounts may be apportioned up to the rate for operations necessary to establish and implement a new import claims program.

SEC. 129. Notwithstanding section 101, subsections (b)(1) and (b)(3) of section 102 of the Consolidated Appropriations Act, 2022, and the concurrent resolution on the budget for fiscal year 2022, shall be applied by substituting “2023” for “2022.”

SEC. 130. Notwithstanding section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Excess of Fees of Jurors and Court Commissioner” at a rate for operations of $59,565,000.

SEC. 131. In addition to amounts otherwise provided by section 101, for “The Judiciary—Citations of Appeals, District Courts, and Other Judicial Services—Court Security”, there is appropriated $112,500,000, for an additional amount to be appropriated for security improvements at United States courthouses and Federal court facilities: Provided, That not later than 45 days after the enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Director of the Administrative Office of the United States Courts shall provide, in an appropriate format, quarterly reports on the obligations and expenditures of
the funds provided under this section to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That such amount is designated by the Committees on Appropriations for emergency costs pursuant to section 401(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2023, and such amount may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts otherwise provided by section 101, there is provided for "Department of Health and Human Services—Indian Health Services—Indian Health Services Funds at a rate for operations of $1,400,000,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2022 and 2023, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 145. In addition to amounts otherwise provided by section 101, for "Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health", there is appropriated $62,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for carrying out 988 Suicide Lifeline activities and behavioral health crisis services.

SEC. 146. In addition to amounts otherwise provided by section 101, for "Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance", there is appropriated $1,000,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for making payments under subsection (b) of section 2002 of the Low-Income Home Energy Assistance Act of 1982 (42 U.S.C. 6101 et seq.). That of the funds made available by this section, $500,000,000 shall be allocated as though the total appropriation for such payments for the fiscal year 2022 exceeds $1,975,000,000: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 401(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as enacted by the House of Representatives on June 8, 2022.

SEC. 147. In addition to amounts otherwise provided by section 101, for "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance", there is appropriated $88,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for carrying out section 462 of the Homeland Security Act of 2002 and section 225 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and for refugee and entrant assistance activities authorized by section 404 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 401(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as enacted by the House of Representatives on June 8, 2022.

SEC. 148. Notwithstanding section 101, the funds authorized to be appropriated for "Community Services Administration—Limitation on Administrative Expenses" in title IV of division B of Public Law 117–106, as provided by section 2002 of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–
43) shall be applied by substituting the date specified in section 106(3) for “September 30, 2022”.

(b) The amounts provided by this section are designated as an emergency requirement pursuant to section 402(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 251(b)(2)(B) of Act of April 5, 1965 (69 Stat. 104), as engrossed in the House of Representatives on June 8, 2022.

Sect. 154. Amounts made available by section 106 of this Act, at any time during fiscal year 2023, to the Secretary of Housing and Urban Development may transfer up to $1,300,000 in unobligated balances from amounts made available in prior Acts under the heading “Housing Programs—Project-Based Rental Assistance” to Treasury Appropriation Fund Symbol 86 X 0148 for the liquidation of obligations incurred in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715i–1).

Sect. 156. Notwithstanding section 106 of this Act, at any time during fiscal year 2023, the Secretary of Housing and Urban Development may extend the funding of any programs authorized by this Act, at any time during fiscal year 2023, to any other programs as may be necessary for such purpose.

Sect. 157. (a) The remaining unobligated balances, as of September 30, 2022, from the appropriation under section 106 of this Act, at any time during fiscal year 2023, to the Secretary of Housing and Urban Development may transfer up to $1,300,000 in unobligated balances from amounts made available in prior Acts under the heading “Housing Programs—Project-Based Rental Assistance” to Treasury Appropriation Fund Symbol 86 X 0148 for the liquidation of obligations incurred in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715i–1).

(b) The remaining unobligated balances, as of September 30, 2022, from the appropriation under section 106 of this Act, at any time during fiscal year 2023, to the Secretary of Housing and Urban Development may transfer up to $1,300,000 in unobligated balances from amounts made available in prior Acts under the heading “Housing Programs—Project-Based Rental Assistance” to Treasury Appropriation Fund Symbol 86 X 0148 for the liquidation of obligations incurred in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715i–1).

Sect. 158. Provided further, That such funds for the Ukraine Security Assistance Initiative shall be available until September 30, 2023, for any purposes as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117–103): Provided further, That such funds for the Ukraine Security Assistance Initiative shall be available until September 30, 2023, for any purposes as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117–103): Provided further, That such funds for the Ukraine Security Assistance Initiative shall be available until September 30, 2023, for any purposes as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117–103): Provided further, That such funds for the Ukraine Security Assistance Initiative shall be available until September 30, 2023, for any purposes as are provided for in section 8139 of the 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stock of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: Provided further, That funds transferred pursuant to a transfer authority provided under this heading in this Act shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: Provided further, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $7,000,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $50,000,000, to remain available until September 30, 2025, for expansion of public and private plants, including the land necessary therefor, and procurement and installation of equipment, appliances, and machine tools in such plants, for the purpose of increasing production of critical munitions: Also, to replace defense articles provided to the Government of Ukraine or foreign countries that have provided support to Ukraine at the request of the United States.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $3,800,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, $2,170,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $457,901,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $9,770,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, $3,300,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $2,077,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $31,230,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, $2,000,000, to remain available until September 30, 2023, to carry out reviews of the activities of the Department of Defense to execute funds appropriated in this title, including assistance provided to Ukraine: Provided further, That the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing no later than 90 days after the date of enactment of this Act.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for “Intelligence Community Management Account”, $500,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

GENERAL PROVISIONS—THIS TITLE

SEC. 1301. During fiscal year 2023, section 505(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)(1)) shall be substituted for $100,000,000.

SEC. 1302. (a) Funds appropriated by this title shall be made available for direct financial support for the Government of Ukraine, including for Ukrainian first responders, and may be made available as a cash transfer subject to the requirements of subsection (b): Provided, That such funds shall be provided on a reimbursable basis and matched by sources other than the United States Government, to the maximum extent practicable: Provided further, That not less than 45 days after the initial obligation of such funds, the Secretary of State, following consultation with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees detailing and assessing the mechanisms for monitoring and safeguarding such funds: Provided further, That at least 15 days prior to the initial obligation of such funds, the Secretary of State, following consultation with the Administrator of the United States Agency for International Development, shall certify and report to the appropriate congressional committees that mechanisms for monitoring and oversight of such funds are in place and functional and that the Government of Ukraine has in place substantial safeguards to prevent corruption and ensure accountability of such funds: Provided further, That not less than 45 days after the initial obligation of such funds, the Secretary of the Treasury, following consultation with the Secretary of the Treasury, shall report to the appropriate congressional committees detailing and assessing the mechanisms for monitoring and safeguarding such funds.

(b) Funds made available to the Government of Ukraine as a cash transfer under subsection (a) shall be subject to the requirements of subsection (a) and shall be subject to a Memorandum of Understanding between the Governments of the United States and Ukraine that describes how the funds proposed to be made available will be used and the appropriate safeguards to ensure transparency and accountability: Provided, That such assistance shall be maintained in a separate, auditable account and may not be mingled with any other funds.

(c) The Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall report to the appropriate congressional committees on the uses of funds provided for direct financial support to the Government of Ukraine pursuant to this Act not later than 45 days after the date of enactment of this Act and every 45 days thereafter until
all such funds have been expended: Provided, That such report shall include a detailed description of the use of such funds, including categories and amounts, the intended results and, in the case of a supplemental, a summary of other donor contributions, and a description of the efforts undertaken by the Secretary and Administrator to increase other donor contributions, and spending on programs and projects (as provided further). That such report shall also include the metrics established to measure such results.

(d) Funds made available for the purposes of subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate.

TITLE IV

GENERAL PROVISIONS—THIS ACT

Sec. 1401. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

Sec. 1402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 1403. Unless otherwise provided for by this Act, no additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations for the fiscal year 2023.

Sec. 1404. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of H. Con. Res. 71 (117th Congress), the concurrent resolution on the budget for fiscal year 2023, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022. This division may be cited as the “Ukraine Supplemental Appropriations Act, 2023”.

DIVISION C—OTHER MATTERS

TITLE I—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.


SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL REPRESENTATIVE FOR DOMESTIC TRAFFICKING VICTIMS FUND.

Section 304(a) of title 18, United States Code, the matter preceding paragraph (1), by striking “September 30, 2022” and inserting “December 16, 2022”.

SEC. 103. UNITED STATES PAROLE COMMISSION.

(a) Short Title.—This section may be cited as the “United States Parole Commission Extension Act of 2023”.

(b) Amendment of Sentencing Reform Act of 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 1982), in the case of chapter 111 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “35 years” or “35-year period” shall be deemed a reference to “35 years and 46 days” or “35-year and 46-day period”, respectively.

SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES AUTHORITY.

Section 1(b) of Public Law 117–25 (133 Stat. 297) is amended by striking “October 1, 2022” each place it appears and inserting “December 16, 2022”.

TITLE II—BUDGETARY EFFECTS

SEC. 201. BUDGETARY EFFECTS.

(a) Statutory PAYGO Scorecard.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) Supplemental PAYGO Scorecard.—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (117th Congress).

(c) Classification of Budgetary Effects.—Notwithstanding Rule 3 of the Budget Control Act of 2011, the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 256(c)(8) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 102–325) is amended by striking “or fiscal year 2023” and inserting “or fiscal year 2000 through fiscal year 2023,”.

SEC. 202. UNFUNDED AMENDMENTS.

(a) Section 1402. No part of any appropriation made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

(b) Section 1401.—Nothing in this division shall be construed to affect appropriations for any fiscal year.

(c) Section 1403.—Nothing in this division shall be construed to affect any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (117th Congress).

SEC. 203. PAYGO CORE CARDS.

SEC. 204. PAYGO CORE CARDS.

SEC. 205. PAYGO CORE CARDS.

SEC. 206. PAYGO CORE CARDS.

SEC. 207. PAYGO CORE CARDS.

SEC. 208. PAYGO CORE CARDS.
TITLE IV—REAUTHORIZATION OF OTHER AUTHORITIES

SEC. 1001. SHORT TITLE; FINDING.

SEC. 1002. DEFINITIONS.

SEC. 1003. AUTHORITY TO ASSESS AND USE DRUG FEES.

SEC. 1004. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 1005. SUNSET DATES.

SEC. 1006. EFFECTIVE DATE.

SEC. 1007. SAVINGS CLAUSE.

TITLe TII—FEES RELATING TO DEVICES

SEC. 2001. SHORT TITLE; FINDING.

SEC. 2002. DEFINITIONS.

SEC. 2003. AUTHORITY TO ASSESS AND USE DEVICE FEES.

SEC. 2004. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 2005. CONFORMITY ASSESSMENT PILOT PROGRAM.

SEC. 2006. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

SEC. 2007. SUNSET DATES.

SEC. 2008. EFFECTIVE DATE.

SEC. 2009. SAVINGS CLAUSE.

TITLe TIII—FEES RELATING TO GENERIC DRUGS

SEC. 3001. SHORT TITLE; FINDING.

SEC. 3002. AUTHORITY TO ASSESS AND USE GENERIC DRUG FEES.

SEC. 3003. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 3004. SUNSET DATES.

SEC. 3005. EFFECTIVE DATE.

SEC. 3006. SAVINGS CLAUSE.

TITLe TIV—FEES RELATING TO BIODISIMILAR BIOLOGICAL PRODUCTS

SEC. 4001. SHORT TITLE; FINDING.

SEC. 4002. DEFINITIONS.

SEC. 4003. AUTHORITY TO ASSESS AND USE BIOLOGICAL PRODUCT FEES.

SEC. 4004. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 4005. SUNSET DATES.

SEC. 4006. EFFECTIVE DATE.

SEC. 4007. SAVINGS CLAUSE.

TITLe V—REAUTHORIZATION OF OTHER PROVISIONS

SEC. 5001. SHORT TITLE.

SEC. 5002. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE FUND.

SEC. 5003. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIUM PROGRAM.

SEC. 5004. REAUTHORIZATION OF THE VETERANS AFFAIRS MEDICARE INTEGRATION GRANT PROGRAM.

SEC. 5005. DEFINITIONS.

SEC. 5006. AUTHORITY TO ASSESS AND USE HUMAN DEVICE FEES.

SEC. 5007. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 5008. SUNSET DATES.

SEC. 5009. EFFECTIVE DATE.

SEC. 5010. SAVINGS CLAUSE.

TITLe VI—FEES RELATING TO PATENTS

SEC. 6001. SHORT TITLE; FINDING.

SEC. 6002. DEFINITIONS.

SEC. 6003. AUTHORITY TO ASSESS AND USE PATENT FEES.

SEC. 6004. REAUTHORIZATION; REPORTING REQUIREMENTS.

SEC. 6005. SUNSET DATES.

SEC. 6006. EFFECTIVE DATE.

SEC. 6007. SAVINGS CLAUSE.

TITLe VII—REAUTHORIZATION OF OTHER AUTHORITY
(a) HUMAN DRUG APPLICATION—Section 733(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended—

220 by striking paragraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;
220 (2) by striking ‘‘(3) The term ‘allergenic extract product’—’’ and inserting the following:
220 (i) means a product—
220 (ii) pharmaceutically equivalent (as determined under paragraph (3));
220 (iii) not intended to be a preventive or therapeutic intervention; and
220 (iv) intended to detect an immediate- or delayed-type skin hypersensitivity reaction to aid in the diagnosis of—
220 (I) an allergy to an antimicrobial agent;
220 (II) an allergy that is not to an antimicrobial agent, if the diagnostic product was authorized for marketing prior to October 1, 2022;
220 (III) infection with fungal or mycobacterial pathogens; and
220 (B) in paragraph (1)(A), by striking ‘‘(c)(5)’’ and inserting the following:
220 (i) for fiscal year 2023;
220 (ii) pharmaceutically equivalent (as determined under paragraph (3));
220 (iii) $14,154,169 for fiscal year 2025.
220 (c) ADJUSTMENTS; ANNUAL FEE SETTING.—
220 (1) HUMAN DRUG APPLICATION FEE .—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—
220 (A) in the matter preceding paragraph (1), by striking ‘‘subsection (c)(5)’’ and in-
220 (B) in paragraph (1)(A), by striking ‘‘(c)(6)’’ and inserting ‘‘(c)(6)’’;
220 (C) in paragraph (1)(B), by striking ‘‘or was withdrawn’’ and inserting ‘‘or was withdrawn’’;
220 (D) in paragraph (3), by adding at the end the following:
220 (ii) pharmaceutically equivalent (as determined under paragraph (3));
220 (iii) a skin-test diagnostic product.’’.
220 JUSTIFICATION.—Section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended by adding—
220 (A) a large volume parenteral product (a sterile aqueous drug product packaged in a single-dose container holding greater than or equal to 100 mL, not including powders for reconstitution or pharmacy bulk packages) identified on the list compiled under section 506(j)(7) (not including the discontinued section of such list); or
220 (B) the dollar amount equal to the operating reserve adjustment for the fiscal year, as determined under subsection (c)(4);
220 (C) the dollar amount equal to the additional direct cost adjustment for the fiscal year, as determined under subsection (c)(5)); and
220 (D) additional dollar amounts for each fiscal year as follows:
220 (i) $65,773,693 for fiscal year 2023.
220 (ii) $25,097,671 for fiscal year 2024.
220 (iii) $14,154,169 for fiscal year 2025.
220 (iv) $4,864,860 for fiscal year 2026.
220 (v) $1,314,620 for fiscal year 2027.’’.
220 (2) ANNUAL BASE REVENUE.—Paragraph (3) of section 736(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379(h)(b)) is amended to read as follows:
220 (A) the annual base revenue for the fiscal year as determined under paragraph (3);
220 (B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(4));
220 (C) the dollar amount equal to the operating reserve adjustment for the fiscal year, as determined under subsection (c)(4);
220 (D) the dollar amount equal to the additional direct cost adjustment for the fiscal year, as determined under subsection (c)(5)); and
220 (E) additional dollar amounts for each fiscal year as follows:
220 (i) $85,773,693 for fiscal year 2023.
220 (ii) $25,097,671 for fiscal year 2024.
220 (iii) $14,154,169 for fiscal year 2025.
220 (iv) $4,864,860 for fiscal year 2026.
220 (v) $1,314,620 for fiscal year 2027.
220 (3) STRATEGIC HIRING AND RETENTION ADJUSTMENT.—Section 736(c) of the Federal
Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

(A) by redesigning paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

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

"(2) STRATEGIC HIRING AND RETENTION ADJUSTMENT.—For each fiscal year after the annual base revenue established in subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall set the fee revenue and fees by the following amounts:

(i) For fiscal year 2023, at least 8 weeks of operating reserves.

(ii) For fiscal year 2024, at least 9 weeks of operating reserves.

(iii) For fiscal year 2025 and subsequent fiscal years at least 10 weeks of operating reserves; and

(B) in subparagraph (C), by striking "paragraph (5)" and inserting "paragraph (6)".

(5) ADDITIONAL DIRECT COST ADJUSTMENT.—

(A) INCREASE.—The Secretary shall, in addition to adjustments under paragraphs (1), (2), (3), and (4), further increase the fee revenue and fees—

(i) for fiscal year 2023, by $4,386,150; and

(ii) for each of fiscal years 2024 through 2027, by the amount set forth in clause (i) through (iv) of subparagraph (B), as applicable, multiplied by the Consumer Price Index for urban consumers for the month of January—Washington-Portsmouth-Alexandria, DC-VA-MD-WV; Not Seasonally Adjusted; All Items; Index for the most recent year of available data, divided by such Index.

(B) APPLICABLE AMOUNTS.—The amounts referred to in subparagraph (A) are the following:

(i) For fiscal year 2024, $69,967,993.

(ii) For fiscal year 2025, $35,799,314.

(iii) For fiscal year 2026, $35,799,314.

(iv) For fiscal year 2027, $35,799,314.

(6) ANNUAL FEE SETTING.—

(a) IN GENERAL.—For fiscal year 2023, $9,000,000.

(b) IN EACH OF FISCAL YEARS 2024 THROUGH 2027, $4,000,000.

(3) CAPACITY PLANNING ADJUSTMENT.—

(A) IN GENERAL.—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted in accordance with paragraphs (1) and (2), such revenue shall be adjusted for such fiscal year by the following amount, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for the process for the review of human drug applications:

(B) METHODOLOGY.—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the Secretary in setting fees for fiscal year 2021, as described in the notice titled "Prescription Drug User Fee Rates for Fiscal Year 2021" published in the Federal Register on August 3, 2020 (85 Fed. Reg. 64651). The workload categories used in applying such methodology in forecasting shall include only those activities described in that notice and, as feasible, additional activities that are directly related to the direct review of applications and supplements, including additional formal meeting types, the direct review of postmarketing commitments and requirements, the direct review of risk evaluation and mitigation strategies, and the direct review of annual reports for approved prescription drug products. Subject to the exceptions in the preceding sentence, the Secretary shall not include as workload categories any such methodology in forecasting any non-core review activities, including those activities that the Secretary referred to as "potential future uses" in such notice but did not utilize in setting fees for fiscal year 2021.

(C) LIMITATION.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year for such section (b)(1)(C) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment for the fiscal year).

(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (6) of the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.

(4) OPERATING RESERVE ADJUSTMENT.—

(Paras. 4A, 4B, redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

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

"(A) INCREASE.—For fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), (3), and (4), further increase that fee revenue and fees if such an adjustment is necessary to provide for operating reserves of carryover user fees for the process for the review of human drug applications for each fiscal year in at least the following amounts:

(i) For fiscal year 2023, at least 8 weeks of operating reserves.

(ii) For fiscal year 2024, at least 9 weeks of operating reserves.

(iii) For fiscal year 2025 and subsequent fiscal years at least 10 weeks of operating reserves; and

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

"(2) EVIDENCE OF QUALIFICATION.—An exemption under paragraph (1) applies with respect to a drug only if the applicant involved submits a certification that the applicant's gross annual revenues did not exceed $50,000,000 for the last calendar year ending prior to the fiscal year for which the exemption is requested. Such certification shall be supported by—

"(A) tax returns submitted to the United States Internal Revenue Service; or

"(B) such other appropriate financial information.

SEC. 1004. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B of the Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) is amended—

(1) in subsection (a)(1), by striking "Beginning with fiscal year 2018, not" and inserting "Not";

(2) by striking "Prescription Drug User Fee Amendments of 2017" each place it appears and inserting "Prescription Drug User Fee Amendments of 2022";

(3) in subsection (a)(3)(A), by striking "Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter" and inserting "Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part";

(4) in subsection (a)(4), by striking "Beginning with fiscal year 2020, the" and inserting "The";

(5) in subsection (b), by striking "Beginning with fiscal year 2018, not" and inserting "Not";

(6) in subsection (c), by striking "Beginning with fiscal year 2018, for" and inserting "For";

(7) in subsection (f)­

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "fiscal year 2022" and inserting "fiscal year 2027"; and

(B) in paragraph (5), by striking "January 15, 2022" and inserting "January 15, 2027".

SEC. 1005. SUNSET DATE.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) shall cease to be effective January 31, 2026.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 104 of the FDA Reauthorization Act of 2017 (Public Law 115–52) are repealed.

SEC. 1006. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall be assessed for all human drug applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

SEC. 1007. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall be amended to effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE II—FEES RELATING TO DEVICES

SEC. 2001. SHORT TITLE; FINDING.

The title may be cited as the "Medical Device User Fee Amendments of 2022".
Section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by striking “premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”;

(B) in subparagraph (D), by striking “and submissions” and inserting “submissions, and de novo classification requests”;

(C) in subparagraph (F), by striking “and premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”; and

(D) by inserting after paragraph (9) and (10), by striking “or submissions” and inserting “or submissions, or requests”;

(E) in subparagraph (K), by striking “or premarket notification submissions” and inserting “premarket notification submissions, or de novo classification requests”; and

(F) in paragraph (11), by striking “2016” and inserting “2021”.

SEC. 2003. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) Types of Fees.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2018” and inserting “fiscal year 2023”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”; and

(ii) in clause (ii), by striking “75 percent” and inserting “80 percent”; and

(iii) in clause (viii), by striking “3.4 percent” and inserting “4.5 percent”;

(b) Fee Amounts.—Section 738(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(b)) is amended—

(1) in paragraph (1), by striking “2018 through 2022” and inserting “2023 through 2027”;

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

“(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

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<th>Fiscal Year</th>
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(C) Performance Calculation.—For purposes of this paragraph, the performance of the following goals shall be determined as specified in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022 and based on data available, as follows:

(i) The performance of the Presubmission Written Feedback goal shall be based on data available as of—

(1) for fiscal year 2023, March 31, 2023;

(2) for fiscal year 2024, March 31, 2024; and

(3) for fiscal year 2025, March 31, 2025.

(ii) The performance of the De Novo Decision goal, 510(k) Shared Outcome Total Time to Decision goal, PMA decision goal, and PMA Shared Outcome Total Time to Decision goal shall be based on data available as of—

(1) for fiscal year 2023, March 31, 2023; and

(2) for fiscal year 2024, March 31, 2024; and

(3) for fiscal year 2025, March 31, 2025.
“(D) GOALS DEFINED.—For purposes of this paragraph, the terms ‘Presubmission Written Feedback goal’, ‘De Novo Decision goal’, ‘$358,000 share of the\n$10(k) Shared Outcome Total Time to Decision goal’, ‘PMA decision goal’, and ‘PMA Shared Outcome Total Time to Decision goal’ refer to the goals identified by the Secretary in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022.

“(5) HIRING ADJUSTMENT.—

“(A) Designated amount.—For each of fiscal years 2025 through 2027, after the adjustments under paragraphs (2), (3), and (4), if applicable, the number of hires to support the process for each fiscal year is the product of—

(i) the number of hires by which the hiring goal specified in subparagraph (D) for the fiscal year under subsection (b) for the fiscal year, as adjusted under paragraph (2) and (3) of subsection (c); and

(ii) the performance improvement adjustment amount for the fiscal year under subsection (c)(4), if applicable.

“(B) REVENUE AMOUNT.—For purposes of this paragraph, the revenue amount for each fiscal year is the sum of—

(i) the hiring adjustment amount for the fiscal year under subsection (c)(5), if applicable; and

(ii) the operating reserve adjustment amount for the fiscal year under subsection (c)(6), if applicable.

SEC. 2004. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORTS.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)) is amended—

(1) in paragraph (1)(A), by striking “$320,825,000” and inserting “$398,566,000”, and

(2) in paragraph (2), by inserting “de novo classification requests,” after “class III de-

(b) R EAUTHORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(b)) is amended—

(1) in paragraph (1), by inserting “$200,255,000” and inserting “$275,366,000”, and

(2) in paragraph (2), by inserting “the applicable inflation adjustment

SEC. 2005. CONFORMITY ASSESSMENT PILOT PROGRAM.

Section 514(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(d)) is amended to read as follows:

“(D) ACCREDITATION SCHEME FOR CON-

SEC. 2006. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m–1(c)) is amended by striking “(October 1’’ and inserting “(December 1’’.

SEC. 2007. SUNSET DATES.

(a) AUTHORIZATION.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i; 379j) shall cease to be effec-

(b) REPORTING REQUIREMENTS.—Section 738A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i–1) shall cease to be effec-

(c) PREVIOUS SUNSET PROVISIONS.—Ef-

SEC. 2008. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of sub-

SEC. 2009. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter 7 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this
title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, but before October 1, 2022, were received by the Food and Drug Administration with respect to assessing and collecting any fee required by such part for a fiscal year prior to such fiscal year.

**TITLE III—FEES RELATING TO GENERIC DRUGS**

**SEC. 3001. SHORT TITLE; FINDING.**

(a) Short Title.—This title may be cited as the “Generic Drug User Fee Amendments of 2022”.

(b) Finding.—Congress finds that the fees authorized by the amendments made by this title will be necessary to generate revenue equal to the resource needs of the Center for Drugs and Biologics to support human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pension of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

**SEC. 3002. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.**

(a) Types of Fees.—Section 744B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-40(b)(1)) is amended—

(1) in the matter preceding paragraph (1), by striking “2018” and inserting “2023”;

(2) in paragraph (2)(C), by striking “2018 through 2022” and inserting “2023 through 2027”;

(3) in paragraph (3)(B), by striking “2018 through 2022” and inserting “2023 through 2027”;

(4) in paragraph (4)(D), by striking “2018 through 2022” and inserting “2023 through 2027”;

(5) in paragraph (5)(D), by striking “2018 through 2022” and inserting “2023 through 2027”.

(b) Fee Revenue Amounts.—Section 744B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(b)) is amended—

(1) in the paragraph heading, by striking “2018” and inserting “2023”;

(2) in paragraph (1), by striking “2018” and inserting “2023”; and

(3) by striking “$493,600,000” and inserting “$582,500,000”; and

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

“(B) Fiscal Years 2024 Through 2027.—

(1) In General.—For each of the fiscal years 2024 through 2027, fees under paragraphs (2) through (5) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to the base revenue amount for the fiscal year under subsection (c) (II), as adjusted pursuant to subsection (c).

(II) Base Revenue Amount.—The base revenue amount for a fiscal year referred to in clause (i) is equal to the total amount established under this paragraph for the previous fiscal year, not including any adjustments made for such previous fiscal year under subsection (c)(III), and

(II) in the paragraph heading, by striking “8 weeks for fiscal year 2024” and inserting “2023”;

(ii) by striking “8 weeks for fiscal year 2024” and inserting “2023”;

(3) in paragraph (2)(C), by striking “2018 through 2022” and inserting “2023 through 2027”.

(4) by amending subparagraphs (A) and (B) to read as follows:

“(A) FISCAL YEARS 2024 THROUGH 2027.—

(1) In General.—Under no circumstances shall the adjustment under paragraph (a) result in fee revenue for a fiscal year that is less than the sum of the amounts under subsection (b)(1)(B)(i) and (B)(ii) (the base revenue amount for the fiscal year plus the dollar amount of the inflation adjustment for the fiscal year).

(II) Additional Limitation.—An adjustment under this paragraph shall not exceed 3 percent of the sum described in clause (i) for the fiscal year, except that such limitation shall be 4 percent if

(i) for purposes of a fiscal year 2024 adjustment, the Secretary determines that during the period from April 1, 2021, through March 31, 2023—

(II) for purposes of a fiscal year 2024 adjustment, the Secretary determines that during the period from April 1, 2021, through March 31, 2023—

(III) for purposes of a fiscal year 2026 adjustment, the Secretary determines that during the period from April 1, 2023, through March 31, 2025—

(III) for purposes of a fiscal year 2027 adjustment, the Secretary determines that during the period from April 1, 2024, through March 31, 2026—

(IV) for purposes of a fiscal year 2027 adjustment, the Secretary determines that during the period from April 1, 2024, through March 31, 2026—

(b) Fee Revenue Amounts.—Section 744B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(b)(1)) is amended—

(1) in paragraph (1), by striking “2018” and inserting “2023”;

(2) by striking “more than 60 days before the date of the Federal Register notice under subsection (a)” and inserting “more than 60 days before or on the date of the Federal Register notice under subsection (a)”;

(3) in the paragraph heading, by striking “2018” and inserting “2023”;

(4) in paragraph (3)(B), by striking “2018 through 2022” and inserting “2023 through 2027”;

(5) in paragraph (4)(D), by striking “2018 through 2022” and inserting “2023 through 2027”;

(6) by amending paragraph (5)(D) to read as follows:

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under subsection (a) pubblishing the revenue fees for the fiscal year involved.”.

(d) Annual Fee Setting.—Section 744B(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(d)(1)) is amended—

(1) in the paragraph heading, by striking “2018” and inserting “2023”;

(2) by striking “more than 60 days before the first day of each of fiscal years 2018 through 2022” and inserting “later than 60 days before the first day of each of fiscal years 2018 through 2022”;

(3) in the paragraph heading, by striking “2018” and inserting “2023”;

(e) Effect of Failure to Pay Fees.—The heading of paragraph (3) of section 744B(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(g)) is amended by striking “AND PRIOR APPROVAL SUPPLEMENT FEE”.

(f) Creditability and Availability of Fees.—Section 744B(h)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(h)(3)) is amended by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”.

(II) In General.—For fiscal year 2024 and each subsequent fiscal year, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees under this section for such fiscal year if such adjustment is necessary to provide operating reserves of carryover user fees for human generic drug activities for not more than the number of weeks specified in subparagraph (B) with respect to that fiscal year.

(B) Number of Weeks.—The number of weeks specified in this subparagraph is—

(i) 8 weeks for fiscal year 2024;

(ii) 9 weeks for fiscal year 2025;

(iii) 10 weeks for each of fiscal years 2026 and 2027;

(iv) 10 weeks for each of fiscal years 2026 and 2027;

(c) Decrease.—If the Secretary has carryover balances for human generic drug activities in excess of 12 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 12 weeks of such operating reserves.

(D) Rationale for Adjustment.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under section 744B(e) and published in the Federal Register notice under subsection (a).
SEC. 4001. SHORT TITLE; FINDING.
(a) Title.—This title may be cited as the “Biosimilar User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title will be dedicated to expediting the process for the review of biosimilar biological products necessary for safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379–51 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and the Chairman of the Committee and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 4002. DEFINITIONS.
(a) ADJUSTMENT FACTOR.—Section 744C(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379–51(1)) is amended to read as follows:

"(1) The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for urban consumers (Washington-Arlington-Alexandria, DC–VA–MD–NY). Not Seasonally Adjusted. All items for September of the preceding fiscal year divided by such Index for September 2011.'"

(b) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—Section 742B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41 et seq.) is amended—

(1) in subsection (a)(1), in the matter preceding paragraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(2) in paragraph (5), by striking “January 15, 2022” and inserting “January 15, 2027.”

SEC. 4003. SUNSET DATES.


(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 305 of the FDA Reauthorization Act of 2017 (Public Law 115–52) are repealed.

SEC. 4005. EFFECTIVE DATE.
The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41 et seq.) are exempt from all fees required under the amendments to this title.

SEC. 4006. SAVINGS CLAUSE.
Notwithstanding the amendments made by this title, part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41 et seq.), as in effect on the date of the enactment of this title, shall remain in effect with respect to abbreviated new drug applications (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21 U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files for Type II active pharmaceutical ingredients that were first referenced on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.
and the request identifies the date the product is, or will be, withdrawn from sale, then for purposes of assessing the biosimilar biological product program fee, the Secretary shall adjust the fee due for such product to have been included on such list on the later of—

(1) the date such request was received; or

(2) if the product will be withdrawn from sale on such future date when the product is withdrawn from sale.

(II) TREATMENT AS WITHDRAWN FROM SALE.—For purposes of clause (i), a product shall be considered withdrawn if the applicant has ceased its own distribution of the product, whether or not the applicant has sold all previously distributed lots of the product, except that a routine, temporary interruption in supply shall not render a product withdrawn from sale.

(III) REIMBURSEMENT FROM DISCONTINUED LIST.—If a biosimilar biological product that is identified in a biosimilar biological product application approved as of October 1 of such fiscal year, as of the list referenced in subparagraph (A) of discontinued biosimilar biological products, and on any subsequent day during such fiscal year the biosimilar biological product does not appear on such list, except as provided in subparagraph (D), each person who is named as the biosimilar biological product application with respect to such product shall pay the annual biosimilar biological product program fee established for a fiscal year under section (c)(6) for such biosimilar biological product. Notwithstanding standing subparagraph (B), such fee shall be due on the last business day of such fiscal year and shall be paid only once for each such product for each fiscal year.”.

(B) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—Section 744H(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g–52(a)(5)) is amended by striking paragraph (4).

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (1), by striking “subsection (b)(2)(B)” and inserting “subsection (b)(1)(B)”;

(ii) in clause (i), by striking “subsection (b)(1)(A)” and

(iii) in clause (ii), by striking “subsection (b)(1)(C)”;


(2) by striking paragraphs (2) through (4) and inserting the following:

“(2) STRATEGIC HIRING ADJUSTMENT.—For each fiscal year, after the annual base revenue under subparagraph (B)(i)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall further increase the fee revenue and fees by $150,000.

“(3) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall, in addition to the adjustments under paragraphs (1) and (2), further adjust the fee revenue and fees under this section for a fiscal year to reflect changes in the resource capacity needs of the Secretary for the review of biosimilar biological product applications.

“(B) METHODOLOGY.—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the Secretary in setting fees for fiscal year 2021, as described in the notice titled ‘Biosimilar User Fee Rates for Fiscal Year 2021’ published in the Federal Register on August 4, 2020 (85 Fed. Reg. 47220). The workload categories in applying such methodology in forecasting shall include only the activities described in section (f)(3) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g–52(c)(3)) and are amended by striking ‘2018 through 2022’ and inserting ‘2018 through 2023’.

“(C) LIMITATIONS.—Under no circumstances shall an adjustment under such paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year), (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (5) establishing fee revenue and fees for the fiscal year involved.”.

(3) in paragraph (5), in the matter preceding subparagraph (A), by striking “2018 through 2022” and inserting “2018 through 2023”.

(4) in paragraph (5), (as redesignated) to read as follows:

“(5) OPERATING RESERVE ADJUSTMENT.—

“(A) INCREASE.—For each fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees if such an adjustment is necessary to provide for at least 10 weeks of operating reserves.

“(B) DECREASE.—

“(i) FISCAL YEAR 2023.—For fiscal year 2023, if the Secretary has carryover balances for such process in excess of 33 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 33 weeks of such operating reserves.

“(ii) FISCAL YEAR 2024.—For fiscal year 2024, if the Secretary has carryover balances for such process in excess of 27 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 27 weeks of such operating reserves.

“(iii) FISCAL YEARS 2025 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and subsequent fiscal years, if the Secretary has carryover balances for such process in excess of 21 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 21 weeks of such operating reserves.


“(E) WRITTEN REQUESTS FOR WAIVERS AND RETURNS; DISPUTES CONCERNING FEES.—Section 744H(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g–52(h)) is amended—

(1) in subsection (a)(1), by striking ‘Beginning with fiscal year 2018, not’ and inserting ‘Not’;

(2) by striking ‘Biosimilar User Fee Amendments of 2017’ each place it appears and inserting ‘Biosimilar User Fee Amendments of 2022’; and

(3) in subsection (a)(3)(A), by striking ‘Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of the second quarter of fiscal year 2019, and not later than 30 calendar days after the end of the second quarter of fiscal year 2020, and not later than 30 calendar days after the end of the second quarter of fiscal year 2021’ and inserting ‘Beginning with fiscal year 2018, not’ and inserting ‘Not’.

SEC. 4004. REAUTHORIZATION; REPORTING REQUIREMENTS.

of each quarter of each fiscal year there-
after" and inserting "Not later than 30 cal-
edar days after the end of each quarter of each fiscal year for which fees are collected under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51, 379t–52) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 744G of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379t–51 et seq.) shall be amended by striking "fiscal year 2022" and inserting "fiscal year 2027";

(c) in paragraph (3), by striking "January 15, 2022" and inserting "January 15, 2027";

SEC. 4055. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379t–51, 379t–52) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 744G of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379t–51 et seq.) shall cease to be effective January 31, 2028.

(c) C LAUSES SAVING.—Effective October 1, 2027, sections 4(a) and 4(b) of section 405 of the FDA Reauthorization Act of 2017 (Public Law 115–52) are repealed.

SEC. 4066. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, but the date of the enactment of this Act, whichever is later, except that fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51 et seq.) shall be assessed for all biosimilar biological product applications received on or after October 1, 2022, and ending on December 31, 2022.

SEC. 4077. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51 et seq.), as in effect on the day before the date of the enactment of this title, shall be in effect with respect to biosimilar biological product applications and supplements (as defined in such part as of such date) that were accepted by the Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE V—REAUTHORIZATION OF OTHER PROVISIONS

SEC. 5001. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409l(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking "$25,000,000 for each of fiscal years 2016 through 2022" and inserting "$27,373,973 for the period beginning on October 1, 2022 and ending on December 31, 2022".

SEC. 5002. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCEN-
TIVE.

Section 530(m)(6)(A)(iv), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking "October 1" and inserting "December 17".

SEC. 5003. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is amended by striking "$25,500,000 for each of fiscal years 2018 through 2022" and inserting "$1,107,534 for the period beginning on October 1, 2022, and ending on December 16, 2022".

SEC. 5004. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CON-
TAINING MILLIGRAMS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking "October 1" and inserting "December 17".

SEC. 5005. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNER-
SHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–5(f)) is amended by striking "$6,000,000 for each of fiscal years 2017 through 2022" and inserting "$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022".

SEC. 5006. REAUTHORIZATION OF ORPHAN DRUG GRAN

SEC. 5007. REAUTHORIZATION OF CERTAIN DE-
VICES.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking "October 1" and inserting "December 17".

SEC. 5008. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PEND-
ING GENERIC DRUG APPLICATIONS AND ORPHAN REVIEW APPLICATIONS.

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended in the matter preceding paragraph (1), by striking "October 1" and inserting "December 17".

DIVISION G—HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE ACT

SEC. 101. SHORT TITLE.

This division may be cited as the "Hermit’s Peak/Calf Canyon Fire Assistance Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn, which reemerged on April 19, 2022; and

(2) on April 6, 2022, the prescribed burn, which reemerged on April 19, 2022, burned on Federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area that was also suffering from severe drought after many years of insufficient precipitation;

(3) on April 19, 2022, the Calf Canyon Fire, also in San Miguel County, New Mexico, began burning on Federal land and was later identified as the result of a pile burn in January 2022 that was untended under the surface before reemerging;

(4) on April 27, 2022, the Hermit’s Peak Fire and the Calf Canyon Fire merged, and both fires were reported as the Hermit’s Peak Fire or the Hermit’s Peak/Calf Canyon Fire, which shall be referred to hereafter as the Hermit’s Peak/Calf Canyon Fire;

(b) on May 2, 2022, the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County, including in the San Miguel county and Mora county, including the National Forest, the United World College, and New Mexico Highlands University;

(7) on May 20, 2022, U.S. Forest Service Chief Randy Moore ordered a 90-day review of prescribed burn policies to reduce the risk of wildfires and ensure the safety of the communities involved;

(8) the U.S. Forest Service has assumed responsibility for the Hermit’s Peak/Calf Can-

(b) PURPOSES.—The purposes of this Act are—

(1) to compensate victims of the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(2) to provide for the expedited consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this Act:

(a) ADMINISTRATOR.—The term "Administrator" means—

(1) the Administrator of the Federal Emergency Management Agency; or

(b) HERMIT’S PEAK/CALF CANYON FIRE.—The term "Hermit’s Peak/Calf Canyon Fire" means—

(1) the fire resulting from the initiation by the Forest Service of a prescribed burn in the Santa Fe National Forest in San Miguel County, New Mexico, on April 6, 2022;

(2) the fire resulting from the prescribed burn by the Forest Service, which reemerged on April 19, 2022; and

(c) INJURED PERSON.—The term "injured person" means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian Tribe, corporation, Tribal corporation, partnership, company, associa-
tion or Alaska Native entity, as such terms are defined or used in section 166 of the Work-

(d) OFFICE.—The term "Office" means the Office of the Hermit’s Peak/Calf Can-

(e) TRIBAL ENTITY.—The term "Tribal enti-

(f) UNIFORM CLAIMS.—The term "uniform claims" means—

(7) the claim established by the Administrator of the Federal Emergency Management Agency for the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(8) the claim established by the Administrator of the Federal Emergency Management Agency for the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(9) the claim established by the Administrator of the Federal Emergency Management Agency for the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and
(1) COMPENSATION.—Each injured person shall be eligible to receive from the United States compensation for injury suffered by the injured person as a result of the Hermit’s Peak/Calf Canyon Fire, subject to the availability of appropriations and subject to the Administrator making the determinations required under subsection (d).

(2) LOSS OF HERMIT’S PEAK/ C ALF CANYON FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency of the United States Code (commonly known as the “Federal Emergency Management Act of 1970”), an Office of the Administrator established by this Act, to administer and enforce this Act.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this Act.

(C) FUNDING.—The Office shall pay the sums of money set aside for claims processing support and assistance.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Administrator may appoint an Independent Claims Manager to—

(A) hire, fire, and compensate; and

(B) assume the duties of the Administrator under this Act.

(4) DETAIL.—Upon the request of the Administrator, any Federal employee of any Federal department or agency may be detailed, on a reimbursable basis, as a detail, to the Federal Emergency Management Agency to assist the Administrator in carrying out the duties under this Act.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Administrator a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Administrator determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—In accordance with subsection (d), the Administrator shall, on behalf of the United States, investigate, consider, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this Act, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d).

(b) AMOUNT.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office to assist the Administrator in determining and settling a claim under this Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit’s Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(B) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of and payment of a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for any amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of a government loan that is required to be repaid by the claimant.

(iii) PRIORITY.—The Administrator, to the extent provided in this Act, shall make 1 or more of the following payments:

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(iv) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(I) be final and conclusive on the claimant, with respect to all claims made by or relating to the same subject matter; and

(ii) constitute a complete release of all claims against the United States (including any State or political subdivision, or any other third party) with respect to all claims made under this Act or any other law.

(v) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(C) BUSINESS INTERRUPTION THROUGH OTHER MEDIA.—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(d) PAYMENT OF CLAIMS.—

(1) PAYMENT.—Not later than 180 days after the date on which regulations are first promulgated under subsection (f), the Administrator shall determine and pay claims in accordance with the provisions of title 5, United States Code, governing appointments in competitive service; and

(2) PRIORITY.—The Administrator shall prioritize the payment or, if so, the amount, if any, to be allowed and paid under this Act.

(3) EXTENT OF DAMAGES.—Any payment under this Act—

(A) shall be limited to actual compensation damages measured by injuries suffered by the injured person in accordance with this Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit’s Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(B) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of and payment of a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for any amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of a government loan that is required to be repaid by the claimant.

(iii) PRIORITY.—The Administrator, to the extent provided in this Act, shall make 1 or more of the following payments:

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(iv) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(I) be final and conclusive on the claimant, with respect to all claims made by or relating to the same subject matter; and

(ii) constitute a complete release of all claims against the United States (including any State or political subdivision, or any other third party) with respect to all claims made under this Act or any other law.

(v) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(C) BUSINESS INTERRUPTION THROUGH OTHER MEDIA.—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(d) PAYMENT OF CLAIMS.—

(1) PAYMENT.—Not later than 180 days after the date on which regulations are first promulgated under subsection (f), the Administrator shall determine and pay claims in accordance with the provisions of title 5, United States Code, governing appointments in competitive service; and

(2) PRIORITY.—The Administrator shall prioritize the payment or, if so, the amount, if any, to be allowed and paid under this Act.

(3) EXTENT OF DAMAGES.—Any payment under this Act—

(A) shall be limited to actual compensation damages measured by injuries suffered by the injured person in accordance with this Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit’s Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(B) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of and payment of a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for any amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of a government loan that is required to be repaid by the claimant.

(iii) PRIORITY.—The Administrator, to the extent provided in this Act, shall make 1 or more of the following payments:

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(C) BUSINESS INTERRUPTION THROUGH OTHER MEDIA.—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(d) PAYMENT OF CLAIMS.—

(1) PAYMENT.—Not later than 180 days after the date on which regulations are first promulgated under subsection (f), the Administrator shall determine and pay claims in accordance with the provisions of title 5, United States Code, governing appointments in competitive service; and

(2) PRIORITY.—The Administrator shall prioritize the payment or, if so, the amount, if any, to be allowed and paid under this Act.

(3) EXTENT OF DAMAGES.—Any payment under this Act—

(A) shall be limited to actual compensation damages measured by injuries suffered by the injured person in accordance with this Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit’s Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(B) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of and payment of a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for any amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of a government loan that is required to be repaid by the claimant.

(iii) PRIORITY.—The Administrator, to the extent provided in this Act, shall make 1 or more of the following payments:

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire and any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(B) BUSINESS INTERRUPTION.—Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(C) BUSINESS INTERRUPTION THROUGH OTHER MEDIA.—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).
through websites, blogs, social media, brochures, pamphlets, radio, television, and other media that the Administrator determines are likely to reach prospective claimants.

(g) Consultation.—In administering this Act, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and Tribal authorities, as determined to be necessary by the Administrator, to—

(1) ensure the efficient administration of the claims process; and

(2) provide for public concerns.

(h) Election of Remedy.—

(1) In General.—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Hermit's Peak/Calf Canyon Fire by—

(A) submitting a claim under this Act;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act'); or

(C) bringing an authorized civil action under any other provision of law.

(2) Effect of Election.—In accordance with subsection (e), an election by an injured person to settle a claim through arbitration shall be final and conclusive on the claimant with respect to all injuries resulting from the Hermit's Peak/Calf Canyon Fire described in paragraph (1) shall be final and conclusive on the claimant upon acceptance of an award.

(3) Arbitration.—

(A) In General.—Not later than 45 days after the date of enactment of this Act, the Administrator shall establish by regulation procedures under which a dispute regarding a claim submitted under this Act may be settled by arbitration.

(B) Arbitration as Remedy.—On establishment of arbitration procedures under paragraph (A), an injured person who submits a dispute claim under this Act may elect to settle the claim through arbitration.

(C) Binding Effect.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) No Effect on Entitlements.—The value of compensation that may be provided under this Act shall not be considered in come for any purpose under any Federal, State, or local laws, including laws relating to taxation, welfare, and public assistance programs, and no State or political subdivision thereof shall decrease any assistance otherwise provided to an injured person because of the receipt of benefits under this Act.

(i) Judicial Review.—

(1) In General.—Any claimant aggrieved by a final decision of the Administrator under subsection (f), or not later than 90 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico Action, the court set aside the decision, in whole or in part.

(2) Record.—The court shall hear a civil action under paragraph (1) on the record made by the Administrator.

(3) Standard.—The decision of the Administrator incorporating the findings of the Administrator shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) Attorney’s and Agent’s Fees.—

(1) In General.—No attorney or agent, acting in connection with any action taken with the consent of an attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this Act, fees in excess of the limitations established under section 2678 of title 28, United States Code.

(2) Violation.—An attorney or agent who violates paragraph (1) shall be fined not more than $10,000.

(k) Waiver of Requirement for Matching Funds.—

(1) State and Local Project.—

(A) In General.—Notwithstanding any other provision of law, a State or local project is determined by the Administrator to be carried out in response to the Hermit’s Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit’s Peak/Calf Canyon Fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(B) Federal Share.—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(2) Other Needs Program Assistance.—Notwithstanding section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5175f(c)(2)), for any emergency declared by the President under that Act for the Hermit’s Peak/Calf Canyon Fire, the Federal share of assistance provided under that section shall be 100 percent.

(3) Agricultural Program Assistance.—

(A) In General.—Notwithstanding any other provision of law, a State, local, or individual project is determined by the Secretary of Agriculture to be carried out in response to the Hermit’s Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit’s Peak/Calf Canyon Fire shall not be subject to any requirement for State, local, or individual matching funds to pay the cost of the project under the Federal program.

(B) Federal Share.—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(l) Applicability of Debt Collection Requirements.—Section 3711(a) of title 31, United States Code, shall not apply to any payment under this Act unless—

(1) there is a claim for, or any aspect of the submission of, or any aspect of the payment of, false claims; or

(2) a claimant was not eligible under subsection (d)(2) of this Act to any partial payment.

(m) Indian Compensation.—Notwithstanding any other provision of law, in the case of an Indian Tribe or a member of an Indian Tribe that submits a claim under this Act—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian Tribe, Tribal entity, or member of an Indian Tribe may be entitled to proceed under this Act in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Hermit’s Peak/Calf Canyon Fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Hermit’s Peak/Calf Canyon Fire.

(n) Report.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Administrator shall submit to Congress a report that describes the claims submitted under this Act during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;